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THE
GENUINE TRIAL
OF
THOMAS HARDY,
FOR
HIGH TREASON,

AT THE
SESSIONS HOUSE IN THE OLD BAILEY,
FROM
OCTOBER 28 TO NOVEMBER 5, 1794.

CONTAINING

THE OPENING OF THE SPECIAL COMMISSION.	SPEECHES, VERBATIM, OF THE ATTORNEY AND SOLICITOR GENERALS.
THE LORD PRESIDENT'S CHARGE TO THE GRAND JURY.	EXAMINATION OF WITNESSES.
LIST OF NAMES AND PLACES OF RESIDENCE OF THE WITNESSES AND JURORS.	COPIES OF ALL THE PAPERS READ IN EVIDENCE.
ARRAIGNMENT OF THE PRISONERS.	SPEECHES, VERBATIM, OF MESSRS. ERSKINE AND GIBBS.
COPY OF THE INDICTMENT.	DEFENCE OF THE PRISONERS.
CHALLENGING OF THE JURY.	SUMMARY OF THE LORD PRESIDENT.
	VERDICT OF THE JURY, &c. &c.

By MANOAH SIBLY,
SHORT-HAND WRITER TO THE CITY OF LONDON.

VOLUME I.

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1795.



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TRIALS FOR HIGH TREASON.

SPECIAL COMMISSION.

SESSION-HOUSE, CLERKENWELL, THURSDAY, OCT. 2, 1794.

THIS morning the COMMISSION made out for the purpose of bringing to Trial the several persons confined in the Tower, under the charge of High Treason, was opened at this place.

The Judges who appeared, as named in the Commission, were as follow:

Sir JAMES EYRE, Lord Chief Justice of the Common Pleas.

Sir ARCHIBALD M'DONALD, Lord Chief Baron of the Exchequer.

Sir BEAUMONT HOTHAM, one of the Barons of the Exchequer.

Sir FRANCIS BULLER, one of the Puisne Judges of the Common Pleas.

Sir NASH GROSE, one of the Puisne Judges of the King's Bench.

And Mr. Justice LAWRENCE, the Junior Judge in the King's Bench.

The Special Commission of Oyer and Terminer for enquiring, hearing, and determining of all High Treasons and Misprisions of Treasons, in compassing or imagining the death of the King, levying war against his Majesty in the realm, or in adhering to the King's enemies within the realm; or giving them aid or comfort within the said realm or elsewhere, was then read. It is dated the 10th of September, 1794. The following is a list of the Commissioners therein named.

THE MARQUIS OF TITCHFIELD.

SIR JAMES EYRE, KT. C. J.

C. P.

SIR B. HOTHAM, KT. B. E.

SIR NAT. GROSE, KT. J. K.

B.

SIR CHS. MORGAN, BART.

JOHN SYLVESTER, ESQ.

WM. MAINWARING, ESQ.

PAUL JODDRELL, ESQ.

JOHN LEWIS, ESQ.

JOHN POWNALL, ESQ.

RT. HON. H. HOBART.

SIR A. MACDONALD, KT.

C. B. E.

SIR FRANCIS BULLER, BT.

J. K. B.

SIR S. LAWRENCE, KT. J.

C. P.

SIR J. W. ROSE, KT. RE-

CORDER.

CRANLEY THO. KIRBY,

SERJEANT.

EDWARD MONTAGUE, ESQ.

SAMUEL WEGG, ESQ.

ANTHONY DICKENS, ESQ.

HENRY BARLOW, ESQ.

N. B. Three Commissioners (of which a Judge to be one) make a quorum

The following is a list of the Counsel who appeared for the Crown.

Sir JOHN SCOTT, Attorney General.

Sir JOHN MITFORD, Solicitor General.

Mr. Serjeant ADAIR, King's Serjeant.

Messrs. BOWER, LAW, and GARROW, King's Counsel.

Mr. WOOD, Mr. BALDWIN, &c. &c.

Mr. DUNDAS, Lord Advocate of Scotland, was also in Court.

After the Commission had been read, the Grand Jury were called, and the following twenty-three gentlemen were sworn.

LIST OF THE GRAND JURY.

BENJAMIN WINTHROP,
Foreman,

JOHN SNEIDER,

EDWARD IRONSIDE,

BENJAMIN KENTON,

ROBERT H. BODDAM,

JOHN EYRES,

W. H. BODDAM,

JOHN PERRY,

JOHN HANKEY,

SAMUEL CUFF,

THOMAS WINSLOWE,

SAMUEL HAWKINS,

GEORGE WARDE,

THOMAS BODDAM,

JOSEPH LANCASTER,

ROBERT WILKINSON,

THOMAS COLE,

GEORGE GALWAY MILLS,

HENRY WRIGHT,

JOHN HATCHETT,

ROBERT STEPHENSON,

JOHN CAMPBELL; and

THOMAS EVERETT, Esqrs. *

Next day, the following singular note appeared in most of the public prints:

"Two hundred gentlemen, freeholders of the county, were summoned to attend, in order from them to select the Grand Jury; but for what reason, and by whose directions, we cannot tell, on Wednesday evening the following letter was received by a number of the gentlemen, in order to prevent their attendance in Court. We trust, if it was a forgery, that pains will be taken to ascertain the fact.

"SIR,

"We are this moment informed, that you need not have the trouble of attending at the Session-house, on Clerkenwell-green, to-morrow, nor at the Old Bailey, on Saturday next, pursuant to your summons; but you will have a fresh notice of the time and place when and where you are to attend in pursuance of such summons.

Dated the 1st of October, 1794.

JOHN EAMER,

ROB. BURNETT,

} Sheriff."



The CHARGE delivered by the Right Honourable Sir James Eyre, Lord Chief Justice of his Majesty's Court of Common Pleas, and one of the Commissioners named in a Special Commission of Oyer and Terminer, issued under the Great Seal of Great Britain, to enquire of certain High Treasons, and Misprisions of Treason, within the County of Middlesex, to THE GRAND JURY, at the Session-House on Clerkenwell-Green, on Thursday the second Day of October, 1794.

(Printed at the Request of the Grand Jury.)

Gentlemen of the Grand Inquest,

YOU are assembled under the authority of the King's Commission, which has been issued for the hearing and determining of the offences of High Treason, and Misprisions of Treason, against the person and authority of the King.

That which hath given occasion for this Commission is that which is declared by a late statute, namely, "That a traitorous and detestable conspiracy has been formed for subverting the existing laws and constitution, and for introducing the system of anarchy and confusion which has so lately prevailed in France; a crime of that deep malignity which loudly calls upon the justice of the nation to interpose, for the better preservation of his Majesty's sacred person, and for securing the peace, and the laws and liberties of this kingdom."

The first and effective step in this, as in the ordinary criminal proceedings, is, that a Grand Jury of the country should make public inquisition for the King, should diligently enquire, discover, and bring forward to the view of the criminal magistrate those offences which it is the object of this Special Commission to hear and to determine.

You are Jurors for our Sovereign Lord the King; you are so styled in every indictment which is presented; but let the true nature of this service be understood. The King commands you to enter upon this enquiry; but the royal authority in this, as in all its other functions, is exerted, and operates ultimately for the benefit of his people. It is the King's object, his duty, to vindicate his peace, his crown and dignity, because *his peace, his crown and dignity, are the subjects' protection, their security, and their happiness.*

It is ultimately for them that the laws have thrown extraordinary fences around the person and authority of the King, and that all attempts against the one or the other are considered as the highest crimes which can be committed, and are punished with a severity which nothing but the *salus populi* can justify.

The business of this day calls upon me (in order that you may the better understand the subject which is to come before you) to open to you the nature of that offence, which I have before spoken of in general.

An ancient statute, 25 Edward III. has declared and defined it. I shall state to you so much of that declaration and definition as appears to me to have any probable relation to the business of this day.

By that statute it is declared to be High-Treason "to compass "or imagine the death of the King," provided such compassing and imagination be manifested by some act or acts proved (by two witnesses) to have been done by the party accused in prosecution of that compassing and imagination; that is, from the moment that this wicked imagination of the heart is acted upon, that any steps are taken in any manner conducing to the bringing about and effecting the design, the intention becomes the crime, and the measure of it is full.

These acts or steps are technically denominated *overt acts*; and the forms of proceeding in cases of this nature require that these overt acts should be particularly set forth in every indictment of treason; and, from the nature of them, they must constitute the principal head of enquiry for the Grand Jury.

These overt acts involve in them two distinct considerations: 1st, The matter of fact of which they consist; in the next place, the relation of that fact to the design.

With respect to the mere matter of fact, it will be for the Grand Jury to enquire into the true state of it, and I can have very little to offer to your consideration respecting it; and with respect to the question, whether the fact has relation to the design so as to constitute an overt act of this species of treason, which involves considerations both of fact and of law, it is impossible that any certain rule should be laid down for your government: overt acts being in their nature all the possible means which may be used in the prosecution of the end proposed, they can be no otherwise defined, and must remain for ever infinitely various.

Thus far I can inform you, that occasions have unhappily but too frequently brought overt acts of this species of treason under consideration; in consequence of which we are furnished with judicial opinions upon many of them; and we are also furnished with opinions (drawn from these sources) of text writers, some of the wisest and most enlightened men of their time, whose integrity

grity has been always considered as the most prominent feature of their character, and whose doctrines do now form great landmarks, by which posterity will be enabled to trace, with a great degree of certainty, the boundary lines between High Treason and offences of a lower order and degree.

It is a fortunate circumstance that we are thus assisted; for it is not to be dissembled, that though the crime of High Treason is "the greatest crime against faith, duty, and human society," and though "the public is deeply interested in every prosecution of this kind well founded," there hath been, in the best times, a considerable degree of jealousy on the subject of prosecutions for High Treason; they are state prosecutions, and the consequences to the party accused are penal in the extreme.

Jurors and Judges ought to feel an extraordinary anxiety that prosecutions of this nature should proceed upon solid grounds. I can easily conceive therefore, that it must be a great relief to Jurors placed in the responsible situation in which you now stand, bound to do justice to their country and to the parties accused, and anxious to discharge this trust faithfully; sure I am that it is consolation and comfort to us, who have upon us the responsibility of declaring what the law is in cases in which the public and the individual are so deeply interested; to have such men as the great Sir Matthew Hale, and an eminent Judge of our own times, who, with the experience of a century, concurs with him in opinion, Sir Michael Foster, for our guides.

To proceed by steps—From these writers upon the law of Treason (who speak, as I have before observed, upon the authority of adjudged cases) we learn, that not only acts of *immediate* and *direct* attempt against the King's life are overt acts of compassing his death, but that all the *remoter steps* taken with a view to assist to bring about the actual attempt, are equally overt acts of this species of treason; even the meeting and the consulting what step should be taken in order to bring about the end proposed, has been always deemed to be an act done in prosecution of the design, and as such an overt act of this treason—This is our first step in the present enquiry. I proceed to observe, that the overt acts I have been now speaking of have reference, nearer or more remote, to a *direct* and *immediate* attempt upon the life of the King; but that the same authority informs us, that they who aim directly at the life of the King (such, for instance, as the persons who were concerned in the assassination plot in the reign of King William) are not the only persons who can be said to compass or imagine the death of the King. "The entering
"into measures which, in the nature of things, or in the common experience of mankind, do obviously tend to bring the life
"of the King into danger, is also compassing and imagining
"the

"the death of the King;" and the measures which are taken will be at once evidence of the compassing, and overt acts of it.

The instances which are put by Sir Matthew Hale and Sir Michael Foster, (and upon which there have been adjudged cases) are of conspiracies to *depose the King, to imprison him, to get his person into the power of the conspirators, to procure an invasion of the kingdom.* The first of these, apparently the strongest case, and coming the nearest to the direct attempt against the life of the King; the last, the farthest removed from that direct attempt, but being a measure tending to destroy the public peace of the country, to introduce hostilities, and the necessity of resisting force by force, and where it is obvious that the conflict has an ultimate tendency to bring the person and life of the King into jeopardy; it is taken to be a sound construction of the statute 25 Edward III. and the clear law of the land, that this also is compassing and imagining the death of the King.

If a conspiracy to depose or to imprison the King, to get his person into the power of the conspirators, or to procure an invasion of the kingdom, involves in it the compassing and imagining of his death, and if steps taken in prosecution of such a conspiracy are rightly deemed overt acts of the treason of imagining and compassing the King's death; need I add, that if it should appear that *it has entered into the heart of any man, who is a subject of this country, to design to overthrow the whole government of the country, to pull down and to subvert from it's very foundations the British monarchy, that glorious fabric which it has been the work of ages to erect, maintain, and support, which has been cemented with the best blood of our ancestors: to design such a horrible ruin and devastation, which no King could survive, a crime of such a magnitude that no lawgiver in this country hath ever ventured to contemplate in it's whole extent;* need I add, I say, that the complication and the enormous extent of such a design will not prevent it's being distinctly seen, that "the compassing and imagining the death of the King is involved in it, is in truth of it's very essence."

This is too plain a case to require further illustration from me. If any man of plain sense, but not conversant with subjects of this nature, should feel himself disposed to ask whether a conspiracy of this nature is to be reached by this medium only; whether it is a *specific* treason to compass and imagine the death of the King, and *not a specific* treason to conspire to subvert the monarchy itself; I answer, that the statute of Edward III. by which we are governed, hath not declared this (which in all just theory of treason is the greatest of all treasons) to be High Treason.

I said no lawgiver had ever ventured to contemplate it in it's whole extent. The *Seditio Regni*, spoken of by some of our ancient

ancient writers comes the nearest to it, but falls far short of it. Perhaps if it were now a question whether such a conspiracy should be made a specific treason, it might be argued to be unnecessary; that in securing the person and authority of the King from all danger, the monarchy, the religion and laws of our country are incidentally secured; that the constitution of our government is so framed, that the imperial crown of the realm is the common center of the whole; that all traiterous attempts upon any part of it are instantly communicated to that center, and felt there; and that, as upon every principle of public policy and justice, they are punishable as traiterous attempts against the King's person or authority, and will, according to the particular nature of the traiterous attempt, fall within one or other of the specific treasons against the King, declared by the statute of 25 Edward III. this greatest of all treasons is sufficiently provided against by the law.

Gentlemen, I presume I hardly need give you this caution, that though it has been expressly declared, by the highest authority, that there do exist in this country men capable of meditating the destruction of the constitution under which we live; that declaration, being extrajudicial, is not a ground upon which you ought to proceed.

In consequence of that declaration it became a public and indispensable duty of His Majesty to institute this solemn proceeding, and to impose upon you the painful task of examining the accusations, which shall be brought before you; but it will be your duty to examine them in a regular judicial course, that is, by hearing the evidence, and forming your own judgment upon it.

And here, as I do not think it necessary to trouble you with observations upon the other branches of the statute 25 Edw. III. the charge to the Grand Inquest might conclude, had not the particular nature of the conspiracy, alledged to have been formed against the state, been disclosed, and made matter of public notoriety by the Reports of the two Houses of Parliament, now in every one's hands: but that being the case, I am apprehensive that I shall not be thought to have fulfilled the duty, which the Judge owes to the Grand Jury, when questions in the criminal law arise on new and extraordinary cases of fact; if I did not plainly and distinctly state what I conceive the law to be, or what doubts I conceive may arise in law, upon the facts which are likely to be laid before you, according to the different points of view in which those facts may appear to you.

It is matter of public notoriety that there have been Associations formed in this country, and in other parts of the kingdom, the professed purpose of which has been a change in the Constitution

tution of the Commons House of Parliament, and the obtaining of Annual Parliaments; and that to some of these Associations other purposes, hidden under this veil, purposes the most traitorous, have been imputed; and that some of these Associations have been supposed to have actually adopted measures of such a nature, and to have gone into such excesses, as will amount to the crime of High Treason.

If there be ground to consider the professed purpose of any of these Associations, "a Reform in Parliament," as mere colour, and as a pretext held out in order to cover deeper designs—designs against the whole Constitution, and Government of the country; the case of those embarked in such designs is that, which I have already considered. Whether this be so, or not, is mere matter of fact; as to which I shall only remind you, that an inquiry into a charge of this nature, which undertakes to make out that the ostensible purpose is a mere veil, under which is concealed a traitorous conspiracy, requires cool and deliberate examination, and the most attentive consideration; and that the result should be perfectly clear and satisfactory. In the affairs of common life, no man is justified in imputing to another a meaning contrary to what he himself expresses, but upon the fullest evidence. On the other hand, where the charge can be made out, it is adding to the crime meditated the deepest dissimulation and treachery, with respect to those individuals, who may be drawn in to embark in the ostensible purpose, as well as to the public, against which this dark mystery of wickedness is fabricated.

But if we suppose these Associations to adhere to the professed purpose, and to have no other primary object; it may be asked, is it possible, and (if it be possible) by what process is it, "*that an Association for the Reform of Parliament can work itself up to the crime of High Treason?*" All men may, nay, all men must, if they possess the faculty of thinking, reason upon every thing which sufficiently interests them to become objects of their attention; and among the objects of the attention of free men, the principles of Government, the constitution of particular Governments, and, above all, the Constitution of the Government under which they live, will naturally engage attention, and provoke speculation. The power of communication of thoughts and opinions is the gift of God, and the freedom of it is the source of all science, the first fruits and the ultimate happiness of society; and therefore it seems to follow, that human laws ought not to interpose, nay, cannot interpose, to prevent the communication of sentiments and opinions in voluntary assemblies of men; all which is true, with this single reservation, that *those Assemblies are to be so composed, and so conducted, as not to endanger the public*
peace

peace and good order of the Government under which they live ; and I shall not state to you that associations and assemblies of men, for the purpose of obtaining a Reform in the interior Constitution of the British Parliament, are simply unlawful ; but, on the other hand, I must state to you, that they may but too easily degenerate, and become unlawful, in the highest degree, even to the enormous extent of the crime of High Treason.

The process is very simple : Let us imagine to ourselves this case : A few well-meaning men conceive that they and their fellow subjects labour under some grievance ; they assemble peaceably to deliberate on the means of obtaining redress ; the numbers increase ; the discussion grows animated, eager, and violent ; a rash measure is proposed, adopted, and acted upon ; who can say where this shall stop, and that these men, who originally assembled peaceably, shall not finally, and suddenly too, involve themselves in the crime of High Treason. It is apparent how easily an impetuous man may precipitate such Assemblies into crimes of unforeseen magnitude, and danger to the state : but, let it be considered, that bad men may also find their way into such Assemblies, and use the innocent purposes of their association as the stalking horse to *their* purposes of a very different complexion. How easy for such men to practise upon the credulity and the enthusiasm of honest men, lovers of their country, loyal to their prince, but eagerly bent upon some speculative improvements in the frame, and internal mechanism of the Government ? If we suppose bad men to have once gained an ascendancy in an Assembly of this description, popular in its constitution, and having popular objects ; how easy is it for such men to plunge such an assembly into the most criminal excesses ? Thus far I am speaking in general, merely to illustrate the proposition, that men who assemble in order to procure a Reform of Parliament may involve themselves in the guilt of High Treason.

The notoriety to which I have alluded leads me to suppose, that the “ project of a Convention ” of the people, to be assembled under the advice and direction of some of these societies, or of delegations from them, will be the leading fact, which will be laid before you in evidence, respecting the conduct and measures of these Associations ; a project, which perhaps, in better times, would have been hardly thought worthy of grave consideration ; but, in these our days, having been attempted to be put in execution in a distant part of the united kingdoms, and, with the example of a neighbouring country before our eyes ; is deservedly become an object of the jealousy of our laws : It will be your duty to examine the evidence on this head very carefully, and to sift it to the bottom ; to consider every part of it in itself, and as it stands connected with other parts of it, and to draw the

conclusion of fact, as to the existence, the nature, and the object of this project of a Convention, from the whole.

In the course of the evidence you will probably hear of "bodies" of men having been collected together, of violent resolutions "voted at these and at other meetings, of some preparation of "offensive weapons, and of the adoption of the language, and "manner of proceeding of those Conventions in France, which "have possessed themselves of the Government of that country:"

I dwell not on these particulars, because I consider them, not as substantive Treasons, but as circumstances of evidence, tending to ascertain the true nature of the object, which these persons had in view, and also the true nature of this project of a Convention, and to be considered by you in the mass of that evidence; which evidence it does not fall within the province of the charge to consider in detail; my present duty is, to inform you what the law is upon the matter of fact, which in your judgment shall be the result of the evidence.

I presume that I have sufficiently explained to you, that *a project to bring the people together in convention in imitation of those National Conventions which we have heard of in France in order to usurp the government of the country, and any one step taken towards bringing it about, such as for instance, "Consultations, forming "of committees to consider of the means, acting in those committees,"* would be a case of no difficulty that it would be the *clearest High Treason*; it would be compassing and imagining the King's death, and not only his death, but the death and destruction of all order, religion, laws, all property, all security for the lives and liberties of the king's subjects.

That which remains to be considered is, "the project of a convention, having for it's sole object the effecting a change in "the mode of representation of the people in Parliament, and "the obtaining that Parliaments should be held annually;" and here there is room to distinguish. Such a project of a Convention, taking it to be criminal, may be criminal in different degrees, according to the case in evidence, from whence you are to collect the true nature and extent of the plan, and the manner in which it is intended to operate; and it will become a question of great importance, under what class of crimes it ought to be ranged.

In determining upon the complexion and quality of this project of a Convention; you will lay down to yourselves one principle which is never to be departed from; *That alterations in the representation of the people in Parliament, or in the law for holding parliaments, can only be effected by the authority of the King, Lords, and Commons, in Parliament assembled.* This being taken as a foundation; it seems to follow as a necessary consequence, that
 "a project

" a project of a Convention, which should have for it's object
 " the obtaining a Parliamentary Reform without the authority
 " of Parliament, and steps taken upon it, would be *High Treason*,
 " in all the actors in it;" for this is a conspiracy to overturn
 the Government. The Government cannot be said to exist, if
 the functions of Legislation are usurped for a moment; and it
 then becomes of little consequence indeed, that the original con-
 spirators, perhaps, had only meditated a plan of moderate reform:
 it is, in the nature of things, that the power should go out of
 their hands, and be beyond the reach of their controul. A con-
 spiracy of this nature is therefore, at best, a conspiracy to over-
 turn the Government, in order to new model it, which is, in
 effect, to introduce anarchy, and that which anarchy may chance
 to settle down into; after the King may have been brought to
 the scaffold, and after the country may have suffered all the mi-
 series which discord, and civil war, shall have produced.

Whether " the project of a Convention, having for it's object
 " the collecting together a power, which should overawe the
 " Legislative Body, and extort a Parliamentary Reform from
 " it," if acted upon, will also amount to *High Treason*, and to
 the specific treason of compassing and imagining the King's
 death, is a more doubtful question. Thus far is clear; a force
 upon the Parliament must be immediately directed against the
 King, who is an integral part of it; it must reach the King, or
 it can have no effect at all. Laws are enacted in Parliament by
 the King's Majesty, by and with the advice of the Lords and
 Commons, in Parliament assembled. A force meditated against
 the Parliament, is therefore a force meditated against the King,
 and seems to fall within the case of a force meditated against the
 King, to compel him to alter the measures of his Government:
 but, in that case, it does not appear to me that I am warranted
 by the authorities to state to you, as clear law, that the mere
 conspiracy to raise such a force, and the entering into consultations
 respecting it, will alone, and without actually raising the force,
 constitute the crime of High Treason. What the law is in that
 case, and what will be the effect of the circumstance of the
 force being meditated against the King *in Parliament*, against
 the King in the exercise of the royal function in a point, which
 is of the very essence of his monarchy, will be fit to be solemnly
 considered, and determined when the case shall arise.

It may be stated to you as clear, That " the project of a
 " Convention, having for it's sole object a dutiful and peaceable
 " application to the wisdom of Parliament on the subject of a
 " wished-for Reform, which application should be entitled to
 " weight and credit from the universality of it, but should still
 " leave to the Parliament the freest exercise of it's discretion to

“ grant or to refuse the prayer of the petition,” (great as the responsibility will be on the persons concerned in it, in respect of the many probable, and all the possible, bad consequences of collecting a great number of people together; with no specific legal powers to be exercised, and under no government but that of their own discretion,) “ cannot in itself merit to be ranked “ among that class of offences” which you are now assembled to hear and determine.

Upon this last statement of the fact of the case, I am not called upon, and therefore it would not be proper for me to say more.

Gentlemen, You will now proceed upon the several articles of enquiry which have been given you in charge: If you find that the parties, who shall be accused before you, have been pursuing lawful ends by lawful means, or have been only indiscreet, or, at the worst, if criminal, that they have not been criminal to the extent of those treasons to which our enquiries are confined, then say, that the bills which shall be presented to you *are not true Bills*: But, if any of the accused persons shall appear to you to have been engaged in that traitorous and detestable conspiracy described in the preamble of the late statute; or, if without any formed design to go the whole length of that conspiracy, they have yet acted upon the desperate imagination of bringing about alterations in the Constitution of the Commons House of Parliament, or in the manner of holding Parliaments without the authority of Parliament, and, in defiance of it, by an usurped power, which should, in that instance, suspend the lawful authority of the King, Lords, and Commons, in Parliament assembled, and take upon itself the function of Legislation; (which imagination amounts to a conspiracy to subvert the existing laws and Constitution, differing from the former only in the extent of it's object,) *you will then do that which belongs to your office to do.*

In the third view of the case of the accused persons; that is, if you find them involved in, and proceeding upon, a design to collect the people together against the legislative authority of the country, for the purpose, not of usurping the functions of the Legislature, but of overawing the Parliament, and so compelling the King, Lords, and Commons, in Parliament assembled, to enact a law for new modelling the Commons House of Parliament, or for holding annual Parliaments; and that charges of High Treason are offered to be maintained against them upon this ground only; perhaps it may be fitting that, *in respect of the extraordinary nature and dangerous extent, and very criminal complexion of such a conspiracy*, that case, which I state to you as a new and a doubtful case, should be put into a judicial course of enquiry, that it may receive “ a solemn adjudication, whether

“ it

“ it will, or will not, amount to *High Treason*,” in order to which the bills must be found to be true bills.

Gentlemen, I have not opened to you the law of *Misprision of Treason*, because I am not aware that there are any commitments for that offence; and therefore I have no reason to suppose that there will be any prosecution for that offence. It consists of *the concealment of treason committed by others*, (which undoubtedly it is every man's duty to disclose,) and the punishment is extremely severe; but the humanity of modern times hath usually interposed, and I trust, that the necessities of the present hour will not demand, that the law of Misprision of Treason should now be carried into execution.

Gentlemen, I dismiss you with confident expectation that your judgment will be directed to those conclusions, which *may clear innocent men from all suspicion of guilt, bring the guilty to condign punishment, preserve the life of our Gracious Sovereign, secure the stability of our government, and maintain the public peace, in which comprehensive term is included the welfare and happiness of the people under the protection of the laws and liberties of the kingdom.*

The following is a copy of the **INDICTMENT** *against the*
PRISONERS *accused of* **HIGH TREASON.**

MIDDLESEX to wit, be it remembered that at a special session of Oyer and Terminer of our Sovereign Lord the King, of and for the county of Middlesex, holden at the Session-House on Clerkenwell Green in the said county, on Thursday the second day of October, in the thirty-fourth year of the reign of our Sovereign Lord George the Third, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth; before the Right Honourable Sir James Eyre, Knight, Chief Justice of our said Lord the King, of his Court of Common Pleas; the Right Honourable Sir Archibald Macdonald, Knight, Chief Baron of our said Lord the King, of his Court of Exchequer; the Honourable Sir Beaumont Hotham, Knight, one of the Barons of our said Lord the King, of his said Court of Exchequer; the Honourable Sir Francis Buller, Baronet, one of the Justices of our said Lord the King, of his said Court of Common Pleas; the Honourable Sir Nash Grose, Knight, one of the Justices of our said Lord the King, assigned to hold Pleas before the King himself; the Honourable Sir Soulden Lawrence, Knight, one other of the Justices of our said

said Lord the King, assigned to hold Pleas before the King himself, and others their fellows, Justices, and Commissioners of our said Lord the King, assigned by Letters Patent of our said Lord the King under his Great Seal of Great Britain, made to them and others, and any three or more of them (of whom one of them the aforesaid Sir James Eyre, Sir Archibald Macdonald, Sir Beaumont Hotham, Sir Francis Buller, Sir Nash Grose, and Sir Soulden Lawrence, our said Lord the King willed should be one) to inquire by the oath of good and lawful men of the County of Middlesex, of all high treasons, in compassing or imagining the death of our Lord the King, levying war against our Lord the King in his realm, or in adhering to the enemies of our said Lord the King in his realm, giving to them aid and comfort in his realm or elsewhere, and of all misprisions of such high treasons as aforesaid, or of any of them within the county aforesaid, (as well within liberties as without,) by whomsoever, and in what manner soever done, committed, or perpetrated, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every, or any of them, in any manner whatsoever, and the said treasons and misprisions of treasons according to the laws and customs of England for this time, to hear and determine by the oath of Benjamin Winthrop, Esquire, John Henry Schneider, Esquire, Edward Ironside, Esquire, Benjamin Kenton, Esquire, Rawson Hart Boddam, Esquire, John Aris, Esquire, William Pardoe Allot, Esquire, John Perry, Esquire, Henry Peter Kuff, Esquire, Thomas Winslow, Esquire, Thome Cole, Esquire, Samuel Hawkins, Esquire, George Ward, Esquire, Thomas Boddam, Esquire, Joseph Lancaster, Esquire, Robert Wilkinson, Esquire, George Galway Mills, Esquire, Henry Wright, Esquire, John Hatchett, Esquire, Rowland Stephenson, Esquire, and John Campbell, Esquire, good and lawful men of the County aforesaid, now here sworn, and charged to inquire for our said Lord the King for the body of the said County touching and concerning the premises in the said Letters Patent mentioned. It is presented in manner and form as followeth, (that is to say)

MIDDLESEX to Wit, THE JURORS for our Sovereign Lord the King, upon their oath present, That Thomas Hardy, late of Westminster, in the County of Middlesex, shoemaker, John Horne Tooke, late of Wimbledon, in the County of Surrey, clerk, John Augustus Bonney, late of the parish of Saint Giles in the Fields, in the County of Middlesex aforesaid, gentleman, Stewart Kyd, late of London, Esquire, Jeremiah Joyce, late of the parish of Saint Mary-le-Bone, otherwise Marybone, in the County of Middlesex aforesaid, gentleman, Thomas Wardle, late of London, gentleman, Thomas Holcroft, late of the parish

of

of Saint Mary-le-Bone, otherwise Marybone aforesaid, in the County of Middlesex aforesaid, gentleman, John Richter, late of Westminster, in the said County of Middlesex, gentleman, Matthew Moore, late of Westminster, in the County of Middlesex aforesaid, gentleman, John Thelwall, late of Westminster, in the County of Middlesex aforesaid, gentleman, Richard Hodgson, late of Westminster, in the County of Middlesex aforesaid, hatter, and John Baxter, late of the parish of Saint Leonard, Shoreditch, in the County of Middlesex aforesaid, labourer, being subjects of our said Lord the King, not having the fear of God in their hearts, nor weighing the duty of their allegiance, but being moved and seduced by the instigation of the devil, as false Traitors against our said Lord the King, their supreme, true, lawful, and undoubted Lord, and wholly withdrawing the cordial love and true and due obedience which every true and faithful subject of our said Lord the King should, and of right ought to bear towards our said Lord the King, and contriving, and with all their strength intending, traitorously to break and disturb the peace and common tranquility of this kingdom of Great Britain, and to stir, move, and excite insurrection, rebellion, and war, against our said Lord the King within this kingdom, and to subvert and alter the legislature, rule, and government, now duly and happily established in this kingdom, and to depose our said Lord the King from the royal state, title, power, and government of this kingdom, and to bring and put our said Lord the King to death, on the first day of March, in the thirty-third year of the reign of our Sovereign Lord the now King, and on divers other days and times, as well before as after, at the parish of St. Giles aforesaid, in the County of Middlesex aforesaid, maliciously and traitorously, with force and arms, &c. did amongst themselves and together, with divers other false traitors, whose names are to the said Jurors unknown, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war, against our said Lord the King, within the kingdom of Great Britain, and to subvert and alter the Legislature, Rule, and Government, now duly and happily established within this kingdom of Great Britain, and to depose our said Lord the King from the royal state, title, power, and Government of this kingdom, and to bring and put our said Lord the King to death.

AND TO FULFIL, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations aforesaid, they the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, as
such

such false traitors as aforesaid, with force and arms, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traiterously did meet, conspire, consult, and agree among themselves and together, with divers other false traitors, whose names are to the said Jurors unknown, to cause and procure a Convention and Meeting of divers subjects of our said Lord the King, to be assembled and held within this kingdom, with intent and in order that the persons to be assembled at such Convention and Meeting should and might wickedly and traiterously, without and in defiance of the authority and against the will of the Parliament of this kingdom, subvert and alter, and cause to be subverted and altered, the legislature, rule, and government, now duly and happily established in this kingdom, and depose, and cause to be deposed, our said Lord the King, from the royal state, title, power, and government thereof.

AND FURTHER TO FULFIL, perfect, and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, and in order the more readily and effectually to assemble such Convention and Meeting as aforesaid, for the traitorous purposes aforesaid, and thereby to accomplish the same purposes, they, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, as such false traitors as aforesaid, together with divers other false traitors whose names are to the Jurors aforesaid unknown, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, with force and arms, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traiterously did compose and write, and did then and there maliciously and traiterously cause to be composed and written divers books, pamphlets, letters, instructions, resolutions, orders, declarations, addresses, and writings, and did then and there maliciously and traiterously publish, and did then and there maliciously and traiterously cause to be published divers other books, pamphlets, letters, instructions, resolutions, orders, declarations, addresses and writings so respectively composed, written, published, and caused to be composed, written and published, purporting and containing therein, among other things, incitements, encouragements, and exhortations, to move, induce, and persuade the subjects of our said Lord the King to choose, depute, and send, and cause to be chosen, deputed, and sent, persons as delegates to compose and constitute such Convention and Meeting as aforesaid,

said, to be so holden as aforesaid, for the traiterous purposes aforesaid.

AND FURTHER TO FULFIL, perfect, and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, and in order the more readily and effectually to assemble such Convention and Meeting as aforesaid, for the traiterous purposes aforesaid, and thereby to accomplish the same purposes, they the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, as such false traitors as aforesaid, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, with force and arms, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, did meet, consult, and deliberate among themselves, and together with divers other false traitors whose names are to the said Jurors unknown, of and concerning the calling and assembling such Convention and Meeting as aforesaid, for the traiterous purposes aforesaid, and how, when, and where such Convention and Meeting should be assembled and held, and by what means the subjects of our said Lord the King should and might be induced and moved to send persons as delegates to compose and constitute the same.

AND FURTHER TO FULFIL, perfect, and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, and in order the more readily and effectually to assemble such Convention and Meeting as aforesaid, for the traiterous purposes aforesaid, and thereby to accomplish the same purposes, they, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, as such false traitors as aforesaid, together with divers other false traitors whose names are to the Jurors aforesaid unknown, on the first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, with force and arms, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traiterously did consent and agree that the said Jeremiah Joyce, John Augustus Bonney, John Horne Tooke, Thomas Wardle, Matthew Moore, John Thelwall, John Baxter, Richard Hodgson, one John Lovett, one William Sharp, and one John Pearson, should meet, confer, and co-operate among themselves, and together with divers other false traitors whose names are to the said Jurors unknown, for and towards the calling and assembling such Con-

vention and Meeting as aforesaid, for the traitorous purposes aforesaid.

AND FURTHER TO FULFIL, perfect, and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, they, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, as such false traitors as aforesaid, together with divers other false traitors whose names are to the Jurors aforesaid unknown, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times as well before as after, with force and arms, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traitorously did cause and procure to be made and provided, and did then and there maliciously and traitorously consent and agree to the making and providing of divers arms and offensive weapons, to wit, guns, musquets, pikes, and axes, for the purpose of arming divers subjects of our said Lord the King, in order and to the intent that the same subjects should and might unlawfully, forcibly, and traitorously oppose and withstand our said Lord the King in the due and lawful exercise of his royal power and authority in the execution of the laws and statutes of this realm, and should and might unlawfully, forcibly, and traitorously subvert and alter, and aid and assist in subverting and altering, without and in defiance of the authority and against the will of the Parliament of this kingdom, the Legislature, Rule, and Government now duly and happily established in this kingdom, and depose, and aid and assist in deposing our said Lord the King from the royal state, title, power, and government of this kingdom.

AND FURTHER TO FULFIL, perfect, and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, they, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, as such false traitors as aforesaid, with force and arms, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traitorously did meet, conspire, consult, and agree among themselves, and with divers other false traitors, whose names are to the said Jurors unknown, to raise, levy, and make Insurrection, Rebellion, and War within this kingdom of Great Britain, against our said Lord the King.

AND

AND FURTHER TO FULFILL, perfect, and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, they, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, as such false traitors as aforesaid, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, with force and arms, maliciously and traiterously did meet, conspire, consult, and agree amongst themselves, and together with divers other false traitors, whose names are to the said Jurors unknown, unlawfully, wickedly, and traiterously to subvert and alter, and cause to be subverted and altered, the Legislature, Rule, and Government now duly and happily established in this kingdom, and to depose, and cause to be deposed, our said Lord the King from the royal state, title, power, and government of this kingdom.

AND FURTHER TO FULFILL, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations aforesaid, and in order the more readily and effectually to bring about such subversion, alteration, and deposition as last aforesaid, they, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, as such false traitors as aforesaid, together with divers other false traitors, whose names are to the Jurors aforesaid unknown, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, with force and arms maliciously and traiterously did prepare and compose, and did then and there maliciously and traiterously cause and procure to be prepared and composed, divers books, pamphlets, letters, declarations, instructions, resolutions, orders, addressees, and writings, and did then and there maliciously and traiterously publish and disperse, and did then and there maliciously and traiterously cause and procure to be published and dispersed divers other books, pamphlets, letters, declarations, instructions, resolutions, orders, addressees, and writings, the said several books, pamphlets, letters, declarations, instructions, resolutions, orders, addressees, and writings, so respectively prepared, composed, published, dispersed, and caused to be prepared, composed, published, and dispersed as last aforesaid, purporting and containing therein (amongst other things) incite-

ments, encouragements, and exhortations, to move, induce, and persuade the subjects of our said Lord the King, to aid and assist in carrying into effect such traitorous subversion, alteration, and deposition as last aforesaid, and also containing therein, amongst other things, information, instructions, and directions to the subjects of our said Lord the King, how, when, and upon what occasions the traitorous purposes last aforesaid should and might be carried into effect.

AND FURTHER TO FULFILL, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations aforesaid, they, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, as such false traitors as aforesaid, together with divers other false traitors, whose names are to the Jurors aforesaid unknown, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, at the parish of St. Giles aforesaid, in the county of Middlesex aforesaid, with force and arms maliciously and traitorously did procure and provide, and did then and there maliciously and traitorously cause and procure to be provided, and did then and there maliciously and traitorously consent and agree to the procuring and providing arms and offensive weapons (to wit) guns, musquets, pikes, and axes, therewith to levy and wage war, insurrection, and rebellion against our said Lord the King within this kingdom, against the duty of the allegiance of them the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, against the peace of our said Lord the now King, his crown and dignity, and against the form of the statute in that case made and provided.

SESSION-HOUSE, CLERKENWELL.—MONDAY, OCTOBER 6.

The Court met at ten o'clock, when the Grand Jury had not a Bill ready to return. About two o'clock the LORD CHIEF BARON appeared on the Bench, when a true Bill was returned against the following Persons for High Treason:

THOMAS

THOMAS HARDY,
JOHN HORNE TOOKE,
JOHN AUGUSTUS BONNEY,
STEWART KYD,
JEREMIAH JOYCE,
WILLIAM WARDLE,

THOMAS HOLCROFT,
JOHN RICHTER,
MATTHEW MOORE,
JOHN THELWALL,
RICHARD HODGSON, and
JOHN BAXTER.

The Bill against JOHN LOVATT was not found.

The Jury thanked the Chief Justice for the Charge delivered to them the day on which the Commission opened, which, at their request, was ordered to be printed. The Judge thanked them in return for the Compliment. As he would not affect to say that he delivered it without Notes, he would cheerfully acquiesce in their request. His Lordship observed, that the Jury had attended FOUR days, and wished to know if they should proceed any further that day? or if they meant to adjourn? After this conversation, they agreed to adjourn to next day at ten o'clock.

The *Attorney General* made the usual Motions, that Copies of the Indictments be given to the Prisoners.

The *Chief Justice* wished to know of the *Attorney-General*, what time he would be in readiness to deliver to the Prisoners the Pannel of the Jury, &c. as ten days were required before the Trials could commence.

The *Attorney-General* said, he should be able to answer, and settle the business next day.

The *Chief Justice* next called upon the persons who attended as Agents, Solicitors, and others for the Prisoners, and informed them, that by the usual application they may have access to the Prisoners. He said, he would not harass the Prisoners by having them brought up until their arraignment—to inform them of these particulars, for that Copies of their Indictments should be left with them, and wished this information might be immediately communicated.—And then the Court adjourned.

A LIST

A LIST of the WITNESSES SUBPENAED.

MIDDLESEX.

THE KING AGAINST THOMAS HARDY, JOHN HORNE TOOKÉ,
JOHN AUGUSTUS BONNEY, STUART KYD, JEREMIAH JOYCE,
THOMAS WARDLE, THOMAS HOLCROFT, JOHN RICHTER,
MATTHEW MOORE, JOHN THELWALL, RICHARD HODGSON,
AND JOHN BAXTER.

Upon an Indictment for High Treason.

Alexander Aitchison, student of medicine, residing in Cannongate, of Edinburgh, in the parish of Cannongate, in the county of Edinburgh, a prisoner in the Tolbooth of Edinburgh.

Henry Alexander, abiding at the Rose-tavern, Fleet-market, in the City of London, Linen-draper.

Daniel Adams, of Took's-court, Cursitor-street, in the county of Middlesex, gentleman.

George Allen, of Turner's-court, Bedford-Bury, in the county of Middlesex, one of the constables attending the Public-office in Bow-street, Covent-garden, in the said county.

John Armstrong, of Kingsland-road, in the parish of St. Leonard, Shoreditch, in the county of Middlesex, one of the constables attending the Police-office, in Worship-street, in the said county.

James Agar, of Hare-court, in the Temple, barrister at law.

Joseph Butterworth, of Fleet-street, London, bookseller.

John Bullock, of Church-yard-court, in the Inner-temple, London, stationer to the Board of Ordnance.

William Broomhead, of Watson's-walk, Sheffield, in the county of York, cutler and scissar finisher, now in custody, at the house of Mrs. Mary Parkinson, in Little Charles-street, Westminster, in the county of Middlesex.

Grant Broughton, one of his Majesty's messengers in ordinary, abiding at the house of the Right Honourable the Marquis of Salisbury, in Arlington-street, in the county of Middlesex.

Bernard Bayley, of Union-crescent, Kent-road, in the county of Surry, gentleman, one of the clerks of the Police-office, in Lambeth-street, Whitechapel, in the county of Middlesex.

Joseph Burchell, of the Sheriff's-office, in Took's-court, and residing in great James-street, Bedford-row, in the county of Middlesex, attorney at law.

George Cheek Barnes, of Noble-street, Goswel-street, in the county of Middlesex, printer.

John Boulton, of Red-lion-court, Charter-house-lane, London, newsmen and ticket porter.

Thomas Blackburne, of Craven-street, City-road, in the county of Middlesex, paper hanger and undertaker.

William

William Black, of York-street, Westminster, in the county of Middlesex, green grocer, and one of the constables attending the Public-office in Bow-street, Covent-garden, in the said county.

Robert Beresford, residing at the corner of Bennet's-court, Drury-lane, in the county of Middlesex, taylor and green grocer, and one of the constables attending the Public-office in Bow-street, Covent-garden, in the said county.

Arthur Blake, of Devonshire-street, Portland-place, in the county of Middlesex, esq.

Richard Bennet, of Redman's-row, Bethnal-green, in the county of Middlesex, warehouselman.

William Barclay, of Duke's-court, St. Martin's-lane, in the county of Middlesex, shoemaker.

Nathaniel Birch, of Vine-street, in the parish of St. John, Westminster, in the county of Middlesex, labourer, one of the patrols attending the Public-office in Bow-street, Covent-garden, in the said county.

Anthony Beck, of Oxford-street, in the county of Middlesex, sadler.

John Bursey, of Blackman-street, in the Borough of Southwark, in the county of Surrey, one of the clerks in the Auditor's-office, Somerset-place.

John Bone, of Weston-street, Snow's-fields, Southwark, in the county of Surrey, muslin clearer.

William Camage, of Fargate-street, Sheffield, in the county of York, inkbottle maker, now in custody at the house of Mrs. Mary Parkinson, in Little Charles-street, Westminster, in the county of Middlesex.

John Child, of Crown-street, Westminster, in the county of Middlesex, one of his Majesty's messengers in ordinary.

John Coates, a soldier, in the Birmingham Volunteers, late of China-walk, Lambeth, in the county of Surrey, apprentice to John Philip Francklow, taylor, and now residing with his father, Christopher Coates, of Little College-street, Westminster, in the county of Middlesex.

Stephen Cottrell, of Grosvenor-place, in the county of Middlesex, esq. one of the clerks of his Majesty's most Hon. Privy Council.

William Carter, of Angel-alley, Long-acre, in the county of Middlesex, bill sticker.

Patrick Colquhoun, of Charles-square, Hoxton, in the county of Middlesex, esq. one of the Justices of the Police-office, in Worship-street, Shoreditch, in the said county.

Thomas Chapman, of Fleet-street, London, bookseller.

John Combes, of Oakham, in the county of Rutland, attorney at law.

Christopher Cridland, of Kemp's-court, Berwick-street, Soho, in the county of Middlesex, shoemaker, and one of the constables attending the Public-office in Bow-street, Covent-garden, in the said county.

Thomas Carpmear, of Bow-street, Covent-garden, in the county of Middlesex, victualler, and one of the constables attending the Public-office in Bow-street, aforesaid.

Henry Croker, of Tottenham-court-road, in the county of Middlesex, broker, and one of the constables attending the Public-office in Bow-street, Covent-garden, in the said county.

John Chapman, of Dean-street, Fetter-lane, London, labourer.

Alexander Corney, of Red-lion-court, Watling-street, in the city of London, shoe-factor.

James Clark, esq. sheriff deputy, of the county of Edinburgh, residing in George-square, in the parish of St. Cuthbert's, in the said county.

John Chatfield, of Back-hill, Hatton-garden, in the county of Middlesex, timber merchant.

Bernard Cobbe, of Walnut-tree-walk, Lambeth, in the county of Surry, one of the clerks in the Auditor's office, Somerset-place.

William Clarke, of Mount-row, Lambeth, in the county of Surry, messenger to the solicitor for the affairs of his Majesty's treasury.

Henry Dealtry, of Essex-street, in the county of Middlesex, clerk of the rules, on the crown side of his Majesty's court of King's-bench.

Richard Davison, of Sheffield, in the county of York, printer.

James Davidson, of Russel-place, Russel-street, Covent-garden, in the county of Middlesex, printer.

William Dakin, of Downing-street, Westminster, door porter at the office of Lord Grenville, one of his Majesty's principal secretaries of state, situate in Downing-street aforesaid.

Joseph Deboffe, of Gerard-street, Soho, in the county of Middlesex, bookseller.

Joseph Edwards, the younger, of Jewin-street, London, silversmith, now in custody at the house of William Needham, in Cork-street, Hanover-square, in the county of Middlesex, one of his Majesty's messengers in ordinary.

Daniel Isaac Eaton, of Newgate-street, London, bookseller.

Henry Eaton, of Newgate-street, London, the son of Daniel Isaac Eaton, of the same place, bookseller.

Evan Evans, late a prisoner in the custody of the Marshal of the Marshalsea, of the Court of King's-bench, grocer, now residing at the house of Samuel Giles, at Newington-causeway, in the county of Surry.

Ann, the wife of the above-named Evan Evans, now residing at the house of Samuel Giles, at Newington-causeway, in the county of Surry.

Samuel Edwards, of Beaufort-buildings, in the Strand, in the county of Middlesex, wine merchant.

John Frost, late of Spring-garden, Westminster, but now of Pinner, in the county of Middlesex, gentleman, late an attorney of the court of King's-bench.

Richard

Richard Ford, of Sloan-street, in the county of Middlesex, esq. one of the Justices at the Public-office in Bow-street, Covent-garden, in the said county.

William Fawkenor, of South-street, Park-lane, in the parish of St. George, Hanover square, in the county of Middlesex, esq. one of the clerks of his Majesty's most Hon. Privy-council.

Edward Fugion, of the Pleasant-retreat, Palmer's-village; Tothill-fields, in the county of Middlesex, shoemaker, and one of the officers of the Public-office in Bow-street, Covent-garden, in the said county.

William Henry Fallofield, of Inner-Scotland yard, in the county of Middlesex, attorney at law.

William Fitzgerald, of the Middle-temple, London, barrister at law.

John Fairley, of Broughton, in the parish of St. Cuthbert's, in the county of Edinburgh, wright, a prisoner in the Castle of Edinburgh.

Isaac Fawcett, the younger, of Camomile-street, Bishopsgate-street, in the city of London, attorney at law.

Thomas Furmage, of Windmill-street, Tottenham-court-road, in the county of Middlesex, collector of the rate for paving, &c, within the parish of Saint Pancras, in the said county.

William Fletcher, of Lincoln's-Inn, in the county of Middlesex, barrister at law.

Duncan Grant, of Strutton-ground, Westminster, in the county of Middlesex, one of the constables attending the Public-office in Bow-street, Covent-garden, in the said county.

Edward Gosling, late of Hoxton, in the parish of Saint Leonard, Shoreditch, in the county of Middlesex, but now residing at the house of James Bisset, Upper-broker-row, Moorfields, in the said county, and clerk to William Wickham, esq. one of the Justices at the Police-office in Lambeth-street, Whitechapel, in the said county.

John Gurnell, of King-street, Westminster, in the county of Middlesex, one of his Majesty's messengers in ordinary.

Richard Gay, of Hopkins-street, Saint James's, in the county of Middlesex, drug and perfume grinder, a prisoner in the custody of the Marshal of the Marshalsea, of the court of King's-bench, in the King's-bench-prison, in Saint George's-Fields, in the county of Surry.

Thomas Green, of Orange-street, Leicester-fields, in the county of Middlesex, perfumer.

John Gurney, of Essex-court, in the Middle-temple, barrister at law.

Alexander Grant, of Wardour-street, Soho, in the county of Middlesex, printer.

William Gotobed, of Hosier-lane, West-smithfield, London, newsmen.

Roger Gastrell, of Hemlock-court, Cary-street, in the county of Middlesex, taylor, and green-grocer, and one of the constables attending

attending the Public-office in Bow-street, Covent-garden, in the said county.

Arthur Gliddon, of Great Ormond-street, Queen's-square, in the county of Middlesex, attorney at law.

John Griffiths, of Plumber's-row, Mile-end-old-town, in the county of Middlesex, carpenter and joiner, and one of the constables attending the Police-office in Lambeth-street, Whitechapel, in the said county.

Thomas Griffiths, of Fashion-street, Spitalfields, sawyer, and assistant constable at the Police-office in Lambeth-street, Whitechapel, in the county of Middlesex.

Thomas Glegg, No. 60, Charing-cross, Westminster, in the county of Middlesex, gentleman, clerk to Mr. White, of No. 6, Lincoln's-inn.

John Groves, of Crown-court, Russel-street, Covent-garden, in the county of Middlesex, gentleman.

Richard Hayward, of Friendly-place, Shoreditch, in the county of Middlesex, wax-chandler, now a prisoner in his Majesty's gaol of Newgate.

George Higgins, of South-street, in the parish of Saint George, Hanover-square, in the county of Middlesex, one of his Majesty's messengers in ordinary.

Christopher Hull, of Chancery-lane, attorney at law.

Edward Hodson, of Bell-yard, near Temple-bar, printer.

Henry Hill, of Fargate-street, in Sheffield, in the county of York, cutler, now in custody at the house of Mrs. Mary Parkinson, in Little Charles-street, Westminster, in the county of Middlesex.

John Hancock, of Chichester-rents, in Chancery-lane, in the county of Middlesex, gentleman, clerk to Mr. White, of No. 6, Lincoln's-Inn.

William Huskisson, of Pall-mall, in the county of Middlesex, esq. chief clerk in the office of the Rt. Hon. Henry Dundas, one of his Majesty's principal secretaries of state.

Edward Harvey, of Lamb-street, Spital-square, in the county of Middlesex, warehouselman.

John Hollingworth, of Threadneedle-street, London, banker.

John Hillier, of Bishopsgate-street, London, bookseller, now a prisoner in his Majesty's gaol of Newgate.

Jeremiah Samuel Jordan, of Fleet-street, in the city of London, bookseller.

Joseph Johnson, of St. Paul's Church-yard, in the city of London, bookseller.

Joseph Clayton Jennings, of Hart-street, Bloomsbury, in the county of Middlesex, barrister at law.

Charles Jealous, of Brownlow-street, Drury-lane, in the county of Middlesex, fadler, and one of the constables attending the Public-office in Bow-street, Covent-garden, in the said county.

Joshua Joyce, of Essex-street, in the Strand, in the county of Middlesex, tallow-chandler.

Thomas Jones, of Milford-lane, in the Strand, in the county of Mid-

Middlesex, labourer and one of the constables attending the Public-office in Bow-street, Covent-garden, in the said county.

William Jones, esq. of St. George's-fields, in the county of Surrey, marshal of the Marshalsea, of the court of King's-bench.

David George Jacmar, of Frith-street, Soho, in the county of Middlesex, one of the clerks in the Auditor's-office, in Somerset-place.

William Johnson, of the Inner-temple, London, attorney at law.

John King, of Queen-street, Queen's-square, Westminster, in the county of Middlesex, esq. one of his Majesty's under secretaries of state.

John Kirby, keeper of his Majesty's gaol of Newgate, residing there.

Christopher Kennedy, of Cross-court, Broad-court, Long-acre, in the county of Middlesex, carpenter, and one of the constables attending the Public-office in Bow-street, Covent-garden, in the said county.

William Knight, of Windmill-street, Piccadilly, in the county of Middlesex, shoemaker.

David Kinghorn, gentleman, gaoler of his Majesty's Tower of London, abiding there.

William Lowndes, of the Middle-temple, London, barrister at law.

Edward Lauzun, of Little George-street, Westminster, in the county of Middlesex, one of his Majesty's messengers extraordinary.

James Lyon, messenger at arms, residing at the house of James Cooper, in Advocate's-close, in the city of Edinburgh.

George Lynam, of Walbrook, London, ironmonger.

Edward Lavender, of Drury-lane, in the county of Middlesex, attorney at law, and chief clerk of the Public-office in Bow-street, Covent-garden, in the said county.

Arnold Langley, of Gloucester-street, Queen's-square, in the county of Middlesex, gentleman, clerk to Mr. White, No. 6, Lincoln's-inn.

William Lockhart, sheriff clerk depute of the county of Edinburgh, residing at Newhaven, in the parish of St. Cuthbert's, in the county of Edinburgh aforesaid.

David Lloyd, of York-street, Westminster, in the county of Middlesex, footman to Mrs. Campbell, of Bury-street, St. James's, in the same county.

Robert Moody, of China-square, Sheffield, in the county of York, carpenter and joiner, now in custody at the house of Mrs. Mary Parkinson, in Little-Charles-street, Westminster, in the county of Middlesex.

Thomas Maclean, of Whitehall, in the county of Middlesex, one of his Majesty's messengers in ordinary.

John Moore, of Gray's-inn, in the county of Middlesex, attorney at law.

---*Merry*, of Ramsgate, in the county of Kent, doctor of physic.

William Mainwaring, of Hanover-square, in the county of Middlesex, esq. one of the prothonotaries of the court of common pleas.
George Munro, of George-street, Manchester-square, in the county of Middlesex, esq. a captain in the army.

William Metcalfe, of Dowgate-hill, in the city of London, attorney at law.

Patrick Macmanus, of Stanhope-street, Clare-market, in the county of Middlesex, hatter, and one of the constables attending the Public-office in Bow-street, Covent-garden, in the said county.

Andrew Milne, of Great Russel-street, Bloomsbury, in the county of Middlesex, shopman to Mr. Jordan, bookseller, in Fleet-street, London.

Joseph Mack, clerk in the Sheriff-clerk's office in Edinburgh, residing in Castle Wynd, in the city of Edinburgh.

William M'Cubbin, writer, residing in the house of John Donaldson, smith and room-setter, in Todderick's Wynd, in the city of Edinburgh.

Alexander Mitchell, linen manufacturer, residing at Strathaven, in the parish of Strathaven, in the county of Lanark.

Arthur M'Ewan, of the Water of Leith, in the parish of Saint Cuthbert's, in the county of Edinburgh, weaver, a prisoner in the Tolbooth of Cannongate, of Edinburgh.

Walter Miller, wright and merchant, of the High-street of Perth, in the parish of Perth, in the county of Perth, a prisoner in the Tolbooth of Edinburgh.

John Miller, of Duke's-court, Bow-street, Covent-garden, in the county of Middlesex, one of the constables attending the Public-office in Bow-street aforesaid.

Stephen Henry Murrell, of Ray-street, Cold-bath-fields, in the county of Middlesex, auctioneer.

William Middleton, one of the Sheriff's officers of the county of Edinburgh, residing in Warriston's-close, in the city of Edinburgh.

Joseph Milner, of Aldermanbury, London, warehouseman.

William Needham, of Cork-street, in the parish of St. George, Hanover-square, in the county of Middlesex, one of his Majesty's messengers in ordinary.

Frederick Polydore Nodder, of Brewer-street, Golden-square, in the county of Middlesex, botanic painter.

John Nost, residing at the Lord Chamberlain's-office, in St. James's-palace, in the county of Middlesex, one of his Majesty's messengers extraordinary.

Evan Nepean, of Scotland-yard, Whitehall, in the county of Middlesex, esquire, one of his Majesty's under secretaries of State.

Randle Norris, of Hare-court, in the Temple, clerk to Mr. Spinks, under treasurer of the society of the Inner-temple.

Arthur Onslow, of Craven-street, in the Strand, in the county of Middlesex, barrister at law.

Robert Orrock, of Dean, in the parish of St. Cuthbert's in the county

county of Edinburgh, blacksmith, a prisoner in the castle of Edinburgh.

George Orr, of Camberwell, in the county of Surry, taylor.

Jane Partridge, of Nottingham, spinster, the daughter *Mr. Partridge*, of Nottingham aforesaid, apothecary.

William Pope, of Little Mary-le-bone-street, in the county of Middlesex, blacking ball maker, and one of the patrols attending the Public-office in Bow-street, Covent-garden, in the said county.

John Pearson, of Lincoln's-inn, in the county of Middlesex, student at law,

James Parkinson, of Hoxton-square, in the county of Middlesex, surgeon and apothecary.

John Pearson, of Fig-tree-court, in the Temple, gentleman.

William Ross, of Crown-street, Westminster, in the county of Middlesex, one of his Majesty's messengers in ordinary.

John Reeves, of Cecil-street, in the Strand, in the county of Middlesex, barrister at law.

George Ross, clerk, or late clerk in the Gazetteer-office at Edinburgh, of South-bridge, of Edinburgh, a prisoner in the Tolbooth of Edinburgh.

Archibald Ruthven, of Rodney-row, Newington-butts, in the county of Surry, baker, one of the patrols attending the Public-office in Bow-street, Covent-garden, in the county of Middlesex.

James Ridgway, of York-street, St. James's-square, in the county of Middlesex, bookseller, now a prisoner in his Majesty's gaol of Newgate.

Thomas Clio Rickman, of Upper Mary-le-bone-street, in the county of Middlesex, bookseller, and Jane his wife, of the same place.

Samuel Reece, of Carthusian-street, Charter-house-square, in the county of Middlesex, stationer.

Isaac Saint, of the city of Norwich, victualler, now in custody at the house of *Thomas Wagstaffe*, in South-street, in the parish of St. George, Hanover-square, in the county of Middlesex, one of his Majesty's messengers in ordinary.

John Thomas Slack, of Buckle-street, Goodman's-fields, White-chapel, in the county of Middlesex, staymaker.

Henry Delahay Symonds, of Paternoster-row, London, bookseller, now a prisoner in his Majesty's gaol of Newgate.

William Sharp, of Charles-street, Middlesex-hospital, in the county of Middlesex, engraver.

John Schaw, of Eaton-street, Pimlico, in the county of Middlesex, one of his Majesty's messengers in ordinary.

Thomas Symonds, of Crown-office-row, Inner-temple, London, student at law.

Matthew Swift, of Gould's-buildings, near the New Church in the Strand, in the county of Middlesex, shoemaker, and one of the constables attending the Police-office in Great Marlborough-street, in the said county.

George Sanderson, of the bunch of grapes, in Butcher-row, Temple-bar, in the county of Middlesex, victualler.

Isaac

Isaac Clayton Smith, of Artichoke-yard, Lambeth-matsh, in the county of Surrey, messenger in the office of the Rt. Hon. Henry Dundas, one of his Majesty's principal secretaries of state.

Thomas Shelton, of the session-house in the Old-bailey, in the Suburbs of the City of London, attorney at law.

William Scot, solicitor at law, residing in Merchant-street, in the city of Edinburgh.

Daniel Stuart, of Frith-street, Soho, in the county of Middlesex, gentleman.

Thomas Stiff, of Paternoster-row, in the city of London, hair-dresser.

John Shallard, of Charlton-street, Somers-town, in the county of Middlesex, pastry-cook, and one of the patrols attending the Public-office in Bow-street, Covent-garden, in the said county.

John Shelmerdine, of the Grove, Southwark, in the county of Surry, hatter.

James Savage, of Maiden-lane, Wood-street, London, ware-houfeman.

William Sturch, of Stanhope-street, Clare-market, in the county of Middlesex, ironmonger.

John Taylor, of Fleet-street, London, gent. now a prisoner in his Majesty's gaol of Newgate.

William Tims, of Crown-street, Westminster, in the county of Middlesex, one of his Majesty's messengers in ordinary.

James Thornton, of Weymouth-street, Cavendish-square, in the county of Middlesex, clerk at the Police-office in Great Marlborough-street, in the said county.

Thomas Thomson, of Shrub's-hill, near Bagshot, in the county of Berks, esq.

Thomas Tourle, late a prisoner in the custody of the Marshal of the Marshalsea, of the court of King's-bench, dealer in timber and coals, now residing at the house of Samuel Giles, at Newington-causeway, in the county of Surry.

Joseph Towers, of St. John's-square, Clerkenwell, in the county of Middlesex, dissenting minister.

James Templeton, messenger at arms, residing in President's-stairs, in Parliament-close, in the city of Edinburgh.

John Thompson, of Oakham, in the county of Rutland, gardener.

Mary Thompson, the wife of John Thompson, of Oakham, in the county of Rutland, gardener.

Mary Thompson, the wife of George Thompson, of Oakham, in the county of Rutland, gardener.

John Townsend, of Duke's-row, Pimlico, in the county of Middlesex, labourer, and one of the constables attending the Public-office in Bow-street, Covent-garden, in the said county.

Thomas Ting, of King's-road, Chelsea, in the county of Middlesex, stage-coachman, and one of the patrols attending the Public-office in Bow-street, Covent-garden, in the said county.

John Taylor, of St. George's, Norwich, surgeon.

John Thompson, near the turnpike, in the New-road, St. George's
in

in the East, in the county of Middlesex, assistant clerk at the Public-office in Lambeth-street, Whitechapel, in the said county.

John Taplin, of Mulberry-street, Mile-end Old-town, in the county of Middlesex, gardener, one of the constables attending the Police-office in Lambeth-street, Whitechapel, in the said county.

William Taylor, of Bridge-street, Westminster, in the county of Middlesex, esq. one of the clerks in the office of the Rt. Hon. Lord Grenville, one of his Majesty's principal secretaries of state.

Felix Vaughan, of Crown-office-row, Inner-temple, London, barrister at law.

John Vellam, of Oakham, in the county of Rutland, butcher and grazier.

Thomas John Upton, of Bell-yard, near Temple-bar, watch-maker, and machinist, now a prisoner in the New Prison, Clerkenwell, in the county of Middlesex.

Alexander Willis, of Harley-street, in the county of Middlesex, dancing-master.

Samuel Williams, now in custody at the house of Mr. Fordham, in Lambeth-street, Whitechapel, in the county of Middlesex, coach-master, apprentice to and late abiding with Joseph Whitton, at Tower-stairs, Tower-dock, London, gun engraver.

John Williams, of Leicester-fields, in the county of Middlesex, wine-merchant.

George Williams, of West-smithfield, London, leather-seller.

Thomas Wagstaffe, of South-street, in the parish of St. George, Hanover-square, in the county of Middlesex, one of his Majesty's messengers in ordinary.

William Wickham, of St. James's-place, in the county of Middlesex, esq. one of the justices of the Police-office in Lambeth-street, Whitechapel, in the said county.

John Wharton, of Skelton-castle, in the county of York, esq.

Joseph White, of Essex-court, Middle-temple, and of Lincoln's-inn, in the county of Middlesex, attorney at law, and solicitor for the affairs of his Majesty's treasury.

William Walker, of Buckingham-street, in the Strand, in the county of Middlesex, attorney at law.

James Walsh, late of the Strand, in the county of Middlesex, but now abiding at Hatfield, in the county of Hertford, gent.

William Woodfall, of Salisbury-square, Fleet-street, London, printer.

Henry Sampson Woodfall, late of No. 1, the corner of Ivey-lane, Paternoster-row, printer, but now of Chelsea, in the county of Middlesex, gent.

George Williamson, messenger at arms, residing in President-stairs, in Parliament-cloze, in the city of Edinburgh.

John Watts, of Rosemary-lane, Whitechapel, in the county of Middlesex, dyer.

Thomas Whitehorn, abiding at the house of Mr. John King, in Cumberland-street, Tottenham-court-road, in the county of Middlesex,

sex, and shopman to Mr. Baxter, near Cecil-street, in the Strand, in the said county, bookseller.

George Widdison, of Fargate-street, Sheffield, in the county of York, hair-dresser, now in custody at the house of Mrs. Mary Parkinson, in Little Charles-street, Westminster, in the county of Middlesex.

Thomas Wiffin, of Fludyer-street, Westminster, in the county of Middlesex, one of his Majesty's messengers in ordinary.

Thomas Wood, of Red-lion-street, Holborn, in the parish of St. George the Martyr, in the county of Middlesex, lottery-inspector.

William Worship, of Ball-alley, Lombard-street, London, engraver.

Richard Williams, of Oakham, in the county of Rutland, clerk.

Richard White, of Piccadilly, in the parish of St. James, Westminster, in the county of Middlesex, oilman.

George Willington, of the Inner-temple, London, attorney at law.

John Wigglesworth, of Somerset-place, in the county of Middlesex, esq. one of the inspectors general of accounts in the Auditor's office there.

John York, of his Majesty's Tower of London, and deputy lieutenant thereof.

Matthew Yatman, of Percy-street, Rathbone-place, in the county of Middlesex, apothecary.

The following is a LIST of the PETTY JURORS summoned.

Atton. Thomas Buck, esq.

Back-lane. John Warner, gent.

Baker-street, Portman-square. Thomas Skipp, Dyott Bucknell, esq.

Barnet. Benjamin Bradbury, Fryer's-lane, Fryer's-barnet, gent.

Bedford-square. Joseph Shrimpton, Esq.

Bethnal-green. Josiah Boydell, gent.

Bow. Thomas Sayer, esq. and distiller; Edward Gordon, esq. and brewer; Mark Hudson, esq. and brewer.

Brentford. Hugh Ronalds, esq. and nursery-man; David Roberts, distiller.

Broad-street, St. George's in the East. Joseph Ainslie, coal-merchant.

Bromley. Nathaniel Stonard, brewer; Charles Smith, distiller; Christopher Metalf, esq. and distiller.

Brompton. Thomas Hammersly, esq. and banker; Hanbury Potter, Old Brompton, esq.

Buckingham-street. Archibald Paxton, wine-merchant.

Bur-street, East-smithfield. Thomas Allen, brewer; Rice Davies, esq.

Chancery-lane. Richard Masters, esq. and banker; Thomas Druce, stationer.

Charing-cross. Charles Fourdrinier, stationer; James Shepnell, silversmith.

Charlotte-street, Rathbone-place. Edward Campion, esq. and wine-merchant; Isaac Mark, gent.

Charterhouse-square. Lacy Primatt, esq. and chemist.

Che-

- Cheney-street, Bedford-square.* John Peavey, cooper.
Chiswick. Thomas Laurence, Strand on the Green, esq. John Thompson, brewer; Thomas Beach, Strand on the Green, esq.
Clerkenwell. Apsley Pellatt, St. John's-street, ironmonger; John Guest, ditto, esq. and potter; George Fillingham, ditto, hopfactor; David Dean, ditto, cheesemonger; John Wright, Red Lion-street, watch case-maker.
Cockspur-street. James Oliphant, hatter; James Crompton, paper hanging-maker.
Colnbrook. Henry Bullock, this side of Colnbrook, esq.
Dalton. Cecil Pitt, esq.
Downing-street, Westminster. Thomas Maude, esq. and army agent.
Duke-street, Westminster. Calvert Clapham, gent.
Ealing. Thomas Wood, Hanging-hill, esq. and coal-merchant; Richard Meux, esq. and brewer; Robert Winn, Lower-side, esq. Richard Hunt, Windmill-lane, esq. Sampson Bowles, esq. and haberdasher; John Baker, esq. James Smith, esq. and perfumer; Robert Vincent, esq. Thomas Smith, Upper-side, esq. and distiller; Edward Roberts, esq. Thomas Cheap, esq.
Edgware. Thomas Cockington, gent.
Edmonton. Daniel Goffett, esq. and broker; John Blackburn, esq. and merchant; Thomas Lewis, South-street, esq. and Irish-factor.
Elstree. Samuel Rudge, esq. John Rudge, esq.
Enfield. Matthias Dupont, of the Chace-side, gent. wine and brandy-merchant; George Capes, esq. and warehousfeman; Richard Gough, Forty-hill, esq. William Emerson, Bush-hill, esq. John Horsley, Bull's-cross, esq. Henry Purrier, Chace-side, esq. George Ellward, ditto, esq. and upholder; Christopher Strothoff, Bull's-cross, esq. and merchant.
Finchley. Thomas Allen, East-end, esq. William Hamerton, esq. Thomas Gildart, Nether-street, esq. and merchant.
Frith-street, Soho. Alexander Trotter, esq. and upholder.
Fulham. Robert Lewis, North-end, esq. John James, esq.
Goodman's-fields. Major Rhode, Lemon-street, esq. and singar-baker.
Goswell-street. Robert Hawkins, coal-merchant.
Gray's-inn-lane. Thomas Harrison, Cowkeeper.
Great George-street, Westminster. Francis Jenks, gent.
Grech-street. Josiah Wedgwood, potter.
Green-street, Grosvenor-square. George Brooks, esq. and banker; James Fisher, the elder, esq.
Hackney. Thomas Boddington, esq. Charles Digby, Mare-street, esq.
Hammer-smith. James Dorville, esq. Simon Lesage, esq. Bryan Marshall, gent. Benjamin Goodison, esq. James Keene, grocer; Henry Osbaldiston, esq.
Hampstead. Philip Godfall, gent. and coachmaker; John Peter Blaquire, esq. and merchant; Thomas Rhodes, Hampstead-road, cowkeeper.

- Hampton.* Thomas Chadwick, esq. John Hillman, esq.
Hanwell. William Harwood, esq.
Harlesdown-hill, near *Harrow.* William Nichol, farmer.
Halton-garden. Nathaniel Wright, surveyor.
Hayes. John Blencowe, esq.
Hendon. Michael Collinson, esq. Edward Hill, gent.
Highgate. Edward Hale, gent. Samuel Provey, esq. and weaver.
High-street, Mary-le-bone. James Sheridine, esq.
Hillington. Samuel Marsh, esq. William Perry, esq. and doctor
 of physic; James Cook, esq.
Holborn. Robert Mairis, near Great Turnstile, gent.
Hornsey. David Duveluz, esq. and merchant, John Mayhew, esq.
 and upholder.
Islington. Samuel Pullen, gent.
Kensington. James Wheble, gentleman and tallow-chandler; John
 Walker, Square, esq. Thomas Ayliffe, esq. Samuel Palmer, esq. Edw.
 Helme, Parson's-yard, esq. Jeffery Holmes, Young-street, esq.
 Alexander Baxter, esq. Edward Green, Square, esq. Edmund Jen-
 nings, Young-street, esq. Stephen Aisley, esq. Robt. Willson, Square,
 esq. Thomas Sanders, Fillimore-place, esq. John Malon, esq. John
 Batty, esq. Thomas Burnett, Parson's-yard, esq. John Robinson,
 esq. Isaac Lucas, esq. and oilman; John Jenkinson, esq. Thomas
 Robinson, Church-lane, esq. and gardener; John Butts, esq. and
 ironmonger.
Knightsbridge. Sir Joseph Andrews, bart.
Limehouse. Robert Batson, ship-builder; Robert Mellish, ship-
 builder; James Mitchel, rope-maker; Adam Steinmetz, biscuit-
 baker; Jeremiah Blakeman, timber-merchant; Thomas Bird, distil-
 ler; Charles Turner, sail-maker; Thomas Draine, brewer; Emanuel
 Goodheart, sugar-refiner; Christopher Richardson, timber-merchant,
 Norrison Coverdale, rope-maker; Anthony Calvert, merchant.
Lisson-green. James Stephens, esq.
London-street, Tottenham-court-road. George Sewell, gent.
Marlborough-street, (Great). John Harrop, gent.
Mile-end. John Charrington, esq. and brewer; John Liptrap,
 esq. and distiller; Ralph Keddey, esq. and merchant.
Mimms (South). Francis Baroneau, esq.
Moorfields. Samuel Mills, weaver.
Newington (Stoke). George Rigby, esq. and Irish-factor; Jona-
 than Eade, esq. and ship-chandler.
New-road, Tottenham-court-road. Joshua Brooks, dealer in birds;
 John White, esq. and builder; Cam Farmer, gent.
Northumberland-street. Henry Capel, gent.
Old-street. Richard Child, distiller.
Ormond-street, (New). Thomas Nixon, esq. and merchant; Wil-
 liam Cooke, esq.
Paddington-street, St. Mary-le-bone. Richard Carter, esq.
Pall-mall. Richard Croft, esq. and Banker.
Percy-street, Rathbone-place. Thomas Elmsley, esq.
Pimlico. George Shakespear, esq. and builder.
Poplar. John Powley, carpenter and surveyor.

- Portman-square.* William Atwick, esq.
Potter's-bar, near Northam. Francis Hammond, esq.
Princes-street, Red-lion-square. John Lovett, gent.
Queen-square, Bloomsbury. William Frazer, esq. William Moffatt, esq. and merchant; William Arnold, esq.
Queen-street, (Great), Lincoln's-inn-fields. Robert Kilby Cox, esq. and brewer.
Ratcliff. Charles Bowles, Glafs-house-yard, Sun-tavern-fields, glafs-manufacturer; Joseph Bird, Cock-hill, esq. and sail-maker; John Thompson, Sun-tavern-fields, rope-maker.
Rathbone-place. Hugh French, esq. and apothecary.
Russel-place. Sir John Crofts, bart. Charles Bishop, esq. and proctor.
St. Catherine's. William Mashiter, wharfinger; Henry Goodwyn, esq. and brewer.
St. James's-street, Piccadilly. James Crane, esq.
Seymour-street (Upper), Mary-le-bone. William Phillimore, esq.
Shadwell. Newell Connop, distiller; Arthur Shakespear, Stepney-causeway, esq. and rope-maker; Matthew Whiting, ditto, sugar-refiner.
Shoreditch. Thomas Proctor, Hollywell-street, esq. and brewer; John Marshall, ditto, esq.
Smithfield, (East). William Down, wharfinger; Rawson Aislabie, wine-merchant and soap boiler.
Somer's-town. John Harrison, Duke's-row, gent.
Southampton-place, New-road. James Haygarth, esq. and builder; John Mandell, gent. Thomas Matthews, gent.
Southampton-row, Bloomsbury. George Wade, Stockbroker.
South Molton-street. John Pratt, gent.
Spring-gardens. Edmund Antrobus, New-street, esq. and banker.
Stanmore. Samuel Dickenson, esq. Charles Wiggan, esq.
Strand. George Jefferys, jeweller and silversmith.
Sunbury. Roger Boehm, esq. and merchant; Dicker Saunders, esq. James Shergold, esq. William Parker, esq.
Teddington. William Sandby, esq. and banker.
Tottenham. Thomas Powell, High-cross, esq. and merchant, William Row, ditto, esq. and broker; Charles Pratt, miller.
Tottenham-street. John Leader, gent. Joseph Mawley, gent.
Turnham-green. James Payne, esq.
Turnmill-street, Cow-cross. Philip Booth, distiller.
Twickenham. John Davenport, esq. and woollen-draper; George Gosling, esq. and banker; Benjamin Green, esq. and register in Chancery; Edmund Hill, Whilton, esq. and gunpowder merchant.
Uxbridge. John Mercer, mealman; Daniel Cock, distiller.
Wapping. Thomas Martin, King Edward-stairs, oilman; John Rixon, Hermitage-street, cooper; Daniel Martin, Red Lion-street, esq. Andrew Burt, Charlotte-street, esq. Michael Henley, coal-merchant; Nathaniel Allen, Wapping-wall, ship-chandler.
Wellclose-square. Theophilus Pritzer, sugar-refiner; Callen Rohde, esq. and sugar-refiner.

Whitechapel. Henry Bullock, High-street, brewer.

Wilsden. Joseph Nicoll, Neasdown, gentleman-farmer; Edward Franklin, farmer.

Wimbley-green. Richard Page, esq.

SESSION-HOUSE, CLERKENWELL, TUESDAY, OCT. 7th.

THE Grand Jury being called, presented a true bill against John Martin, for High Treason.

The *Chief Justice* asked if there were any more bills ready for the Grand Jury.

The *Foreman* said, the Jury would be glad to adjourn to some day, when there might be business sufficient to engage them the whole day.

Mr. White, one of the solicitors to the treasury, said, if the court was adjourned till Thursday, he thought they should be ready with all the Bills that were meant to be presented, if that day would be convenient for the Jury.

The *Foreman* said, the Jury had no objection.

The *Chief Justice* said, he had no objection, after the business of this day was over, to adjourn the Court to Thursday, at 10 o'clock.

At this moment appeared in Court Mr. Holcroft, who addressed the Court to the following effect:

"My Lord,

"Being informed that a Bill for High Treason has been preferred against me, Thomas Holcroft, by his Majesty's Attorney General, and returned a true bill by a Grand Jury of these realms, I come to surrender myself to this Court, and my country, to be put upon my trial; that, if I am a guilty man, the whole extent of my guilt may become notorious; and, if innocent, that the rectitude of my principles and conduct may be no less public. And I hope, my Lord, there is no appearance of vaunting in assuring your Lordship, this Court, and my country, that, after the misfortune of having been suspected as an enemy to the peace and happiness of mankind, there is nothing on earth, after which, as an individual, I more ardently aspire than a full, fair, and public examination.

"I have further to request that your lordship will inform me, if it be not the practice, in these cases, to assign counsel, and to suffer the accused to speak in his own defence? Likewise, whether free egress and regress be not allowed for such persons, books, and papers, as the accused, or his counsel, shall deem necessary for justification?"

Chief

Chief Justice.—"With regard to the first, Sir, it will be the duty of the Court to assign you Counsel, and also to order that such Counsel shall have free access to you at all proper hours—with respect, Sir, to the liberty of speaking for yourself, the accused will be fully heard by himself, as well as by his Counsel; but with regard to papers, books, and other things of that kind, it is impossible for me to say any thing precisely, with regard to them, until the thing required be asked. However, Sir, you may depend upon it, every thing will be granted to the party accused, so as to enable him to make his defence. If I understand you rightly, you now admit that you are the person standing indicted by the name of Thomas Holcroft?"

Mr. Holcroft.—"Yes, my Lord."

Chief Justice.—"You come here to surrender yourself, and I can only accept of that surrender on the supposition that you are the person so indicted. You know the consequence, Sir, of being indicted for High Treason. I shall be under the necessity of ordering you into custody. I would not wish to take any advantage of your coming forward in person, indiscreetly, in this manner, without being called upon by the ordinary process of the law. You should have a moment to consider whether you surrender yourself as that person."

Mr. Holcroft.—"It is certainly not my wish, either to inflict upon myself unnecessary punishment, or to appear to put myself forward on this occasion. I come only as Thomas Holcroft, of Newman-street, in the county of Middlesex, and I certainly do not wish to stand more forward, than any other man ought to stand."

Chief Justice.—"I cannot enter into this point. If you admit yourself to be the person indicted, the consequence must be, that I must order you to be taken into custody to answer this charge. I do not know whether you are, or are not, Thomas Holcroft. I do not know you, and therefore it is impossible for me to know whether you are the person stated in the indictment."

Mr. Holcroft.—"It is equally impossible for me, my Lord."

Chief Justice.—"Why then, Sir, I think you had better sit still.—Is there any thing moved on the part of the Crown with respect to this gentleman?"

Solicitor General.—"My Lord, as I consider him to be the person against whom a true bill is found, I move that he be committed."

Chief Justice.—"I do not know how many persons there may be of the name of Thomas Holcroft: it would be rather extraordinary to commit a person on this charge, if we do not know him."

Mr.

Mr. Knapp, one of the Counsel for the Crown, contended, that from what the prisoner had said at first in Court, he admitted himself to be the person."

Chief Justice.—"That does not signify. Does the Counsel for the Crown think fit that this gentleman should be committed?"

Solicitor General.—"I move that he now be taken into custody."

Chief Justice.—"Sir, you must now stand committed."

A sheriff's officer now took Mr. Holcroft into custody.

Chief Justice to the prisoner.—"Are you prepared to name your Counsel?"

His Solicitor immediately named Mr. Erskine and Mr. Gibbs, whom the Court assigned in the usual form.

The same learned advocates were named for Mr. Thelwall and Mr. Baxter.

John Pearce stated to the Court, that he was an articled clerk to Mr. Martin, against whom the Grand Jury had found a bill. He requested that he might be permitted to attend Mr. Martin, as, without his assistance, he did not think Mr. Martin would be able to proceed to his trial.

The *Solicitor General* objected to this application, because there might be a charge against Mr. Pearce himself.

The *Judge* observed, that until some charge was preferred, he could not refuse this application.

Mr. White, the Solicitor, desired that the order might be postponed until Friday, which the Judge consented to, on condition that a copy of the indictment was not preferred till that time. The Chief Justice then ordered the officer to adjourn the Court.

Mr. Holcroft begged that his servant might be permitted to have access to him.

The *Chief Justice* said, that was a sort of thing that was quite new, and he did not know that he could grant it, unless something was stated by Mr. Holcroft, with respect to his health, to make it requisite.

Mr. Holcroft said, there was nothing of that sort; that he did not know it to be unusual, or he should not have asked it. The reason for his asking it, was, that his servant was his amanuensis; it had been his habit to dictate to this man, and therefore it would be extremely convenient for him to be indulged in this particular, if that was not contrary to custom.

The *Chief Justice* said, he was afraid it was, and he thought it would be proper for Mr. Holcroft to apply to another quarter, which could better grant indulgence than he could, sitting in that Court.

Mr.

Mr. Holcroft said, he wished to have no indulgence ; he only wished for justice.

The Chief Justice said, " Then, Sir, I cannot make the order."

The Court then immediately adjourned to Thursday, at ten o'clock in the morning.

[The preceding Account being that which appeared in the Public Prints, there appeared next Day, in the same Prints, the following Note from Mr. Holcroft.]

To the EDITOR, &c.

SIR,

The predicament in which I stand is, I presume, a self-evident motive why I should be assiduously careful that the following mistake, in your account of what passed yesterday at Hicks's Hall, should be corrected. You state, that, when asked by the Chief Justice whether I admitted myself to be the person indicted by the name of Thomas Holcroft, I answered, " Yes, my Lord : " Far from answering in this direct manner, the question immediately awakened in me some apprehension of having too implicitly credited the reports I heard, from persons of various rank and station, that a Bill for High Treason was found against me ; the purport of my answer to his Lordship immediately was, that the only knowledge I had of the event was that which I derived from these reports. Such an answer as you have been informed I made, might very innocently have escaped a very innocent man, though the truth is, it did not happen to escape me. It might perhaps too very innocently, but mistakenly, have implied, in the minds of some people, a consciousness of my having deserved to be indicted ; an inuendo, which, from my heart and soul, and with all the faculties I possess, of mind, memory, and truth, I repel.

THOMAS HOLCROFT.

Newgate, October 8, 1794.

SESSION-HOUSE, CLERKENWELL, THURSDAY, OCT. 9th.

THE Court met again at ten o'clock, when the Grand Jury presented a true bill for High Treason against John Hillier.

Another bill was then preferred by Mr. White, solicitor of the treasury. With this bill the Jury retired to their own room ; after which the Court adjourned to Thursday the sixteenth of October.

SESSION-

SESSION-HOUSE, CLERKENWELL, THURSDAY, OCT. 16th:

THE Court sat as before. The Grand Jury returned a true bill against *John Philip Frankloe* for High Treason.

Mr. White, solicitor of the treasury, then preferred two other bills to the Grand Jury.

The *Chief Justice* observed, he should wish to adjourn the Court for the accommodation of the Jury, and he thought Tuesday next might be a proper day; in the mean time the Jury would proceed on the bills now before them. His Lordship said, he hoped on Tuesday to discharge the Jury from a very long and laborious service; at least until further summons. His Lordship asked if there was any motion to be made? To which there being no answer, the Court adjourned to Tuesday, the 21st of October.

TUESDAY, OCTOBER 21st.

THE Court met, when the Grand Jury found a true bill against *Thomas Spence* for High Treason.

A bill against *John Ashley*, for the same crime, was not found. Adjourned to Saturday the 25th of October.

[At eight o'Clock on Friday morning, the 24th of October, the prisoners, who were confined in the Tower, were taken from thence by the sheriffs, and conveyed, in hackney coaches, guarded by constables, &c. but no military, to Newgate.]

SATURDAY, OCTOBER 25.

THE COURT met at the SESSION-HOUSE in the OLD BAILEY, when, at one o'Clock, the following took their seats on the Bench.

THE LORD MAYOR.

LORD CHIEF JUSTICE EYRE.

LORD CHIEF BARON M'DONALD.

SIR B. HOTHAM.

SIR N. GROSE.

SIR F. BULLER.

ALDERMEN.

CLARKE, GILL, PICKET, NEWMAN, MACAULAY, ANDERSON.

After the usual proclamation, *Mr. Kirby*, the keeper of Newgate, was ordered to bring to the bar the following prisoners in his custody, against whom the *Grand Jury* had found their

FIRST BILL OF INDICTMENT.

Thomas Hardy, late of Westminster, in the County of Middlesex, shoemaker.

John

John Horne Tooke, late of Wimbledon, in the County of Surrey, clerk.

John Augustus Bonney, late of the Parish of St. Giles in the Fields, in the County of Middlesex aforesaid, gentleman.

Stewart Kyd, late of London, Esq.

Jeremiah Joyce, of the Parish of St. Mary-le-bone, otherwise Marybone, in the County of Middlesex aforesaid, gentleman.

Thomas Holcroft, late of the Parish of St. Mary-le-bone, otherwise Marybone, in the County of Middlesex aforesaid, gentleman.

John Richter, late of Westminster, in the said County of Middlesex, gentleman.

John Thelwall, late of Westminster, in the County of Middlesex aforesaid, gentleman.

John Baxter, late of the parish of St. Leonard, Shoreditch, in the County of Middlesex aforesaid, labourer.

The Court, immediately on their appearance, wished to know, whether the prisoners' Counsel attended in pursuance to their nomination and appointment?

Mr. Gurney replied, that in addition to his learned friends present, who had been retained, he expected Mr. *Erskine*, Mr. *Gibbs*, and Mr. *F. Vaughan*, who had been nominated by the Court.

The Court condescended to wait a few minutes.

The windows which are behind the bar, where the prisoners were, having been previously let down by the *Lord President's* orders, so as to admit a strong current of air, the following observations were made by

Mr. *Horne Tooke*.—"My Lord, I beg leave to represent to the Court, that we have just come out of a very confined and close hole, and the windows now opened at our backs, expose us to so much cold air, that our health, particularly my own, will be considerably endangered, and most probably we shall lose our voices before we leave the place. I shall, therefore, request of the Court to be dismissed as soon as their convenience will permit."

The *Lord President* of the Commission.—"If you are prepared to plead, Sir, you may be dismissed almost immediately. We were waiting for your Counsel, that you might have the benefit of their assistance."

Mr. *H. Tooke*.—"My Lord, in a great measure am I prevented from being now able to say any thing on the subject of the indictment, from the circumstance of our not having had the ten clear days allowed by Act of Parliament, to persons in our situation. By the change of custody a whole day has been completely lost to us; in consequence, we have not had an opportunity

of conversing with our Counsel. Mr. *Erskine* and Mr. *Gibbs* had engaged themselves to dine with me on Friday, for the purpose of conferring together on the business of this day. Notice was given me as late as nine or ten on Thursday night only, of my intended removal; I was removed by eight o'clock the next morning: it was perfectly impossible for me, therefore, to take the advantage of my Counsel's advice, as our arrangements were thus completely destroyed, and all my papers, which I had collected and arranged in the Tower, thrown into disorder and confusion. Your Lordship—who never was a prisoner—can have but a very imperfect idea of the change of custody."

The *Lord President*.—"The Court is inclined to make every allowance that can be expected, and is willing to wait the arrival of your Counsel."

Mr. *Tooke*.—"Rather than catch cold, I should chuse to plead at present. I ask no indulgence, but desire substantial justice. When I mentioned the circumstance of the day's loss, I did not, by any means, wish to cause delay. It is undoubtedly clear, that the Act, which says, that *not less* than ten days should be allowed, by no means meant to preclude the accused from having the advantage of *more* than ten days, if necessary for the preparation of materials requisite for their defence. I hope that no inconvenience will arise to us from the shifting of custody:—but we certainly have not had the indulgence which that law intended us. I am, however, ready to plead, though deprived of the advantage of my papers, and the benefit of advice. We have been six months in close confinement, without being able yet to imagine what was the nature of the charges to be brought against us, nor have we been able to discover it from the indictment found against us."

Mr. *Thekwall*.—"My Lord, I think it my duty, and an act of justice to myself and my country, to mention, in this public manner, the hardships which we have suffered. Not to mention the loss of a day, I myself have to complain of a circumstance very detrimental indeed to me. I have been deprived of the benefit of my books and papers, which I had collected together, and arranged in the Tower. When we were removed from the Tower, the sheriffs thought proper not to allow me time sufficient to take them with me; I do not mean to attach any blame to them, when I mention this, for with great politeness they promised I should have them sent me.—Afterwards, when I had an opportunity of sending for them through the medium of a friend who was sending to the Tower for some things he wanted, I was refused, and received an evasive answer. I was informed, that they could not send what I wanted, as I had a number of other things there, and they must be sent together,

together, as it would be necessary to have a separate coach for them. This morning I received a second evasive answer. I mention this circumstance not with any view of delay, for I am as anxious, 'as any man can be for any thing, to meet the justice of my country.'

The Indictment was then read by the Clerk of the Arraignment. It charged the Prisoners, that they being subjects of the King, not having the fear of God in their hearts, nor weighing the duty of their allegiance, but being moved and seduced by the instigation of the Devil, withdrawing their affection and allegiance from the King, did, on the first of March last, contrive, in concert with other persons, to disturb the peace of the Kingdom, to subvert the Government, to depose the King, and to put him to death.

The Indictment then proceeded to specify, and set forth in nine different counts, the overt acts of the above compassings and imaginations. (See p. 23—28.)

The Prisoners were then severally asked the usual questions, "Guilty or not guilty?"—"How will you be tried?"

Mr. Hardy.—"Not guilty."—"By God and my country."

Mr. Tooke.—"Not guilty." On being asked how he would be tried, he eyed the Court for some seconds with an air of significance, which few men are so well able to assume, and, shaking his head, emphatically answered—"I would be tried by God and my country. But——"

The others answered in the usual manner—"Not guilty."—"By God and my country."

Mr. Bonney was about to make some remarks, when he was interrupted by

The Lord President.—"Tooke having complained of the coldness of the air, may withdraw."

Mr. Tooke then withdrew.

John Augustus Bonney.—"My Lord, there is an error in this indictment, which intitles me to plead in abatement. I am described late of the parish of *St. Giles in the Fields*, whereas I ought to have been described of the parish of *St. Pancras*. I never did reside in the parish of *St. Giles*. But, my Lord, I am also charged by this indictment with having committed treason in the parish of *St. Giles*; and as my description is just as true and correct as this assertion, I am content to take my trial upon the indictment in its present form; for I look forward with earnest and anxious expectation for the day when a Jury of my country shall justify me from the aspersions thrown on my character by this indictment: I therefore wave my objection, and plead generally, that *I am not guilty*."

Mr. *Thelwall*.—"There is a circumstance, my Lord, which my Counsel have informed me would entirely quash this indictment as far as regards me, if I were inclined to take advantage of it. My description is not right: I am described as an inhabitant of *Westminster*, whereas I reside in the *Liberties* of the *Duchy of Lancaster*. Anxious as I am to have my conduct examined into by my country, I despise the idea of availing myself of any paltry subterfuge. I feel perfectly convinced, that when the long expected day shall come, no *honest* Jury can say otherwise than I do now,—*Not guilty*."

Mr. *Bonney* then said, "I beg that your Lordships will allow me a few words before we quit the bar. I assure you, if I had been arraigned for any known and certain treason, for murder, or for felony, I would ask no favour of your Lordships; but when I stand before you upon a case, in which (and I believe I have your Lordships' opinion in my favour on the subject) if the facts charged against us should be proved, there would still be very great doubt upon the law, I trust I do not make an improper request when I solicit your Lordships, that we may be allowed as many of the little comforts and conveniences of life (to which we have been accustomed) as may be consistent with the security of our persons. Your Lordships, I am sure, will agree with me, that a situation in which a man can neither sleep by night, nor cast his eye on a ray of comfort by day, is not much adapted to prepare his mind for so important a trial as mine—and yet, my Lords, such is my situation.

"I beg to be understood not to intend the smallest insinuation against the Sheriffs; their language and their countenances, when they visited me yesterday in my cell, sufficiently convinced me of the concern they felt at not being able to afford me better accommodation. My request, therefore, to your Lordships is, that we may be remanded to the custody of the Governor of the Tower, where we have been treated, for two and twenty weeks, with the greatest humanity and attention."

Mr. *Richter* and Mr. *Baxter* also complained of the want of accommodation in the places where they were confined.

The *Lord President*.—"I must repeat, that the Court can only refer you to the discretion and humanity of the Sheriffs, who have already undertaken to pay attention to your complaints."

Mr. *Attorney General*.—"My Lord, as the Prisoners have signified their desire to be tried separately, I move that Mr. Hardy be tried first; and that the warrants, made necessary by a late Act of Parliament, for constituting the commission, be recorded."

Mr. *Erkine*, who, together with Mr. *Gibbs* and Mr. *Vaughan*, Counsel for the Prisoners, had come into Court during the reading of the Indictment by the Clerk of the Crown, apologized

apologized to the Court for their momentary absence, as not expecting the business of the Court to begin so early. He understood that Mr. *Horne Tooke* had stated, and truly, to the Court, the total want of communication between him and his Counsel, owing to his unexpected removal. He therefore confided in the discretion and humanity of the Court, that they would, in some degree, remedy this evil, by not proceeding to trial till Tuesday next at the soonest, in order to afford an interval for such communication between the Prisoners and Counsel as was necessary for their safety.

The *Attorney General* said, the Prisoners were duly apprized of their being to be arraigned as on this day. Their removal from the Tower to Newgate was arranged to take place as late as possible, in order to prevent their being embarrassed by interruption in their communication with their Friends and Counsel. Of the present objection he had heard nothing till the present moment, which he was convinced was unpremeditated, else he was satisfied that the Counsel would not have concealed it from him. As the great object, however, he had in view was, that a Jury of the Country should ultimately decide whether or not those charges were well or ill founded, which a Grand Jury had already declared were not totally destitute of foundation, he was ready to assent to the delay proposed, and therefore had no objection, if the Court so willed it, that the trial of Mr. Hardy should stand over till Tuesday.

The Court accordingly decided to postpone the commencement of the trials till Tuesday next. The *Attorney General* suggested to the Court, either that they must meet on Monday next, for which day the Petit Jury were summoned, or else they must be summoned afresh for Tuesday.

The Court directed that the Sheriff should give notice to the Gentlemen of the Jury, that their presence would not be necessary till Tuesday; and that the Court would meet on Monday morning *pro forma*, and so adjourn over to the following day, then to proceed to business.

The Court was then adjourned till Monday next at eight o'clock in the morning.

MONDAY, OCTOBER 27.

The Court met at seven o'clock in the morning, *pro forma*, and adjourned till seven o'clock in the morning of the next day.

THE TRIAL OF THOMAS HARDY.

SESSIONS-HOUSE, OLD-BAILEY.

TUESDAY, OCTOBER 27, 1794.

THE Court met precisely at eight o'clock, when the Prisoner, Mr. Thomas Hardy, was put to the Bar, and the names of the Jury being called over, and 134 being present, the Lord President ordered them to form the Pannel.

The *Clerk* of the Court then addressed the Prisoner:

Prisoner at the Bar, these good men you shall hear called, are those that are to appear between our Sovereign Lord the King and you, on the trial of your life or death; if, therefore, you will challenge them, or any of them, you must challenge them as they come to the book to be sworn, and before they are sworn, and you shall be heard.—The Clerk then proceeded to call

Major Rhode, of Lemon-street, Goodman's-fields, Esq. and sugar-baker.

Mr. *Erskine*. I challenge him.

Charles Digby, Mare-street, Hackney, Esq.

Mr. *Erskine*. I challenge him.

Mr. *Attorney General*. Let the challenges be made public, that we may know who is challenged.

Mr. *Erskine*. I have no objection; but the Court being so full, I was not willing to give the gentleman the trouble of getting into the boxes.

Mr. *Attorney General*. I desire not that the gentleman should come out of his place; but I desire that the challenges may be publicly made.

Thomas Martin, oilman, King Edward-stairs, Wapping.—Sworn.

George Jefferys, of the Strand, jeweller and silversmith.—Sworn.

Hugh French, of Rathbone-place, Esq. and apothecary.

Mr. *Erskine*. I challenge him.

Robert Mellish, of Limehouse, ship-builder.

Mr. *Erskine*. I challenge this Juror.

William Harwood, of Hanwell, Esq.

Mr. *Attorney General*. I challenge him.

James Hagarth, of Southampton-place, New-road, Esq. and builder.

Mr. *Attorney General*. I challenge him.

Mr. *Erskine*. I challenge him.

Robert

Robert Lewis, of North-end, Fulham, Esq.—Having the gout on me, I would beg leave to be excused.

John Walker, of Kensington-square, Esq.

George Wade, of Southampton-row, Bloomsbury, stock-broker.

Mr. *Attorney General*. I challenge him.

Thomas Buck, of Aſton, Esq.—Sworn.

Thomas Ayliffe, of Kensington-square, Esq.

Mr. *Erskine*. I challenge him.

Thomas Wood, of Hanging-hill, Ealing, Esq. and coal merchant.—Sworn.

Mark Hudson, of Bow, Esq. and brewer.

Mr. *Erskine*. I challenge him.

John Mandell, of Southampton-place, gent.

Mr. *Erskine*. I challenge him.

Henry Bullock, this side of Colnbrook.

Mr. *Attorney General*. I challenge him.

John Powſey, of Poplar, carpenter and ſurveyor.

Mr. *Erskine*. I challenge him.

Thomas Rhodes, of Hampſtead Road, cow-keeper.

Mr. *Erskine*. I challenge him.

Edward Helme, of Parſons-yard, Esq. Kenſington.—I am not a freeholder of the county of Middleſex.

Mellrs. *Martin*, *Jefferys*, and *Walker*; who before had been ſworn, then obſerved, that they were not freeholders of the county of Middleſex, and that they would have mentioned it before, but they did not know it would excuſe them.

Court. Then you may withdraw.

Mr. *Erskine*. I do not make the objection.

Court. Such of the gentlemen that are not freeholders of the county of Middleſex, muſt withdraw.

Thomas Martin.

Q. Are you a freeholder of this county?

Mr. *Martin*. My freehold is in the city of London, in Cow-lane, Weſt-Smithfield.

Court. You may withdraw.

Mr. *Attorney General*. Have you any copyhold eſtate in the county of Middleſex?

Mr. *Martin*. No, none.

George Jefferys of the Strand.—I am not a freeholder of the county of Middleſex.

Court. Then that gentleman may withdraw.

John Walker, of Kenſington-square, Esq.

Q. Are you a freeholder of the county of Middleſex?

Mr. *Walker*. I am not.

Thomas

Thomas Buck.

Q. Are you a freeholder ?

Mr. Buck. I am not.

Thomas Wood.

Q. Are you a freeholder ?

Mr. Wood. Yes.—Sworn.

Jeffery Holmes, of Young-street, Esq.

Mr. Attorney General. I challenge him.

William Frazer, of Queen Square, Bloomsbury, Esq.

Q. Are you a freeholder ?

Mr. Frazer. I am.—Sworn.

Apley Pellatt, of St. John's-street, Clerkenwell, ironmonger.

Q. Are you a freeholder ?

Hugh Ronalds, of Brentford, Esq. nurseryman.

Q. Are you a freeholder of this county ?

A. I am.

Mr. Erskine. I challenge him.

Thomas Harrison, of Gray's Inn-lane, cow-keeper.

Q. Are you a freeholder of this county ?

A. I am.

Mr. Erskine. I challenge him.

Daniel Goffet, of Edmonton, Esq. and broker.

Q. Are you a freeholder of this county ?

A. I am not.

Richard Meux, of Ealing, Esq. and brewer.

Q. Are you a freeholder of this county ?

A. I am not.

Dicker Saunders, of Sunbury.—I am not a freeholder. I am one of the people called Quakers.

Calvert Clapham, of Duke-street, Westminster, gent.

Q. Are you a freeholder of this county ?

A. I am not.

John Leader, of Tottenham-street, gent.

Q. Are you a freeholder of the county of Middlesex ?

A. Yes.

Mr. Erskine. Are you a freeholder and copyholder of the value of 10l. per year ?

A. Yes. I am a freeholder of 10l. a year.

Mr. Erskine. I challenge him.

John Guest, of Clerkenwell, Esq. and potter.—I must beg leave to inform your lordships, that some time back, I had a dreadful fall, which hath hurted me so, that it is impossible for me to sit two hours in one posture.—Excused.

Charles Fourdrinier, of Charing-cross, stationer.

Q. Are you a freeholder of the county of Middlesex ?

A. I am not.

Adam Steinmetz, of Limehouse, buiscuit-baker.

Q. Are you a freeholder of the county of Middlesex?

A. Yes.

Have you a freehold and copyhold of the value of 10*l.* a year?

A. Yes.

Mr. *Attorney General*. Are you a natural born subject?

A. Yes, Sir.—Sworn.

Alexander Baxter, of Kensington, Esq.

Q. Are you a freeholder of this county?

A. No, I am not.

Richard Child, of Old-street, distiller.

Q. Are you a freeholder of the county of Middlesex?

A. No, I am not.

Jeremiah Blakeman, of Limehouse, timber-merchant.

Q. Are you a freeholder of the county of Middlesex?

A. Yes.

Q. Are you a freeholder and copyholder to the amount of 10*l.* a year?

A. Yes.

Mr. *Erskine*. I challenge him.

Robert Kilby Cox, of Great Queen-street, Esq. and brewer.

Q. Have you a freehold to the value of 10*l.* a year?

A. Yes.

Mr. *Erskine*. I challenge him.

Richard Hunt, of Windmill-lane, Esq.—I am not a freeholder.

James Payne, of Turnham-green, Esq.

Q. Are you a freeholder of the county of Middlesex?

A. Yes. I am a freeholder to the value of more than 10*l.* a year.

Mr. *Attorney General*. I challenge him.

Newell Connop, distiller.

Q. Are you a freeholder?

A. I am.

Q. To the value of 10*l.* a year?

A. Yes.—Sworn.

William Sandby, of Teddington, Esq. and banker.—A person spoke for him, and begged leave to address the Court in behalf of him, that he is 76 years of age.—Excused.

John Mercer, of Uxbridge, mealman.

Q. Are you a freeholder?

A. Yes.

Q. Are you a freeholder to the amount of 10*l.* a year?

A. Yes.—Sworn.

John Rickson, of Hermitage-street, Wapping, cooper.

Q. Are you a freeholder of the county of Middlesex?

A. I am.

Q. To the amount of 10l. a year?

A. Yes. My name is spelt wrong in the notice that I have there; I spell my name Rixon, and this is spelt Rickson.

Clerk. It is spelt right in the pannel.

Mr. Attorney General. I challenge him.

Thomas Sayer, of Bow, Esq. and distiller.

Q. Are you a freeholder?

A. Yes.

Q. Is your copyhold and freehold together to the amount of 10l. a year?

A. Yes.—Sworn.

Edward Hale, of Highgate, gent.

Q. Are you a freeholder?

A. Yes, to the amount of 10l. a year.

Mr. Erskine. I challenge him.

George Fillingham, of St. John's-street, Clerkenwell, Esq. and hop-factor.

Q. Are you a freeholder?

A. Yes.

Q. To the amount of 10l. a year?

A. Yes.

Mr. Erskine. I challenge him.

Samuel Rudge, of Elstree, Esq.—I am not a freeholder.

William Perry, of Hillington, Esq.

Q. Are you a freeholder?

A. I am.

Q. Are you a freeholder to the amount of 10l. a year?

A. I am.

Mr. Erskine. I challenge him.

Richard Gough, of Forty-hill, Enfield, Esq.

Q. Are you a freeholder of the county of Middlesex?

A. Yes.

Q. To the amount of 10l. a year?

A. Yes.

Mr. Erskine. I challenge him.

Joshua Brooks, of New Road, Tottenham-court Road, dealer in birds.

Q. Are you a freeholder of the county of Middlesex?

A. My freehold is in the city, in the parish of St. Dunstan's.

Thomas Lawrence, of Strand on the Green, Chiswick, Esq.

Q. Are you a freeholder of the county of Middlesex?

A. No.

Thomas Skip Dyott Bucknall, Esq. of Baker-street, Portman-square.

Q. Are you a freeholder?

A. I must just speak first. I have been long subject to a very nervous

nervous cough, and I am apprehensive that I cannot sit out a very long trial. I come to shew my respect to the court; I am a freeholder, but my name is, I believe, not entered on the freehold books.

Lord President. If you really think yourself not able to support the fatigue of a long trial from your state of health, I should, for myself, be inclined not to press you on this service.

Mr. Bucknall. I have not been in a play-house for seven years, merely from fear.

Lord President. You behave very honorably in paying a proper respect to the court, by appearing, instead of attempting to make an excuse by others. We leave it to yourself; if you desire to be excused on account of your ill health, you may.

Mr. Bucknall. As there are many exceptions, I will stand this time, only do not call on me any more.

Lord President. Then you will serve now?

A. I will serve now.

Mr. Erskine. I cannot think of pressing Mr. Bucknall. I challenge him.

John Blackburn, of Edmonton, Esq. and merchant.

Q. Have you a freehold?

A. Yes, of 10l. a year.

Mr. Erskine. I challenge him.

Samuel Mills, of Moorfields, weaver.—I am only the tenant in possession. I am not of age till I am thirty-five, by my father's will. My father left, in his will, all his estate to my brother and me, and appointed trustees; and we are not of age till we are thirty-five.

James Oliphant, of Cockspur-street, hatter.—I am upwards of seventy years of age.

Joseph Bird, of Cock-hill, Ratcliffe, Esq.—I am not a freeholder.

John Dorwill.—He is not here.

Thomas Powell, of Tottenham-high-Crofs, Esq. and merchant.

Q. Are you a freeholder?

A. I am.

Q. To the amount of 10l. a year?

A. I am.

Mr. Erskine. I challenge him.

William Emerson, of Bush-hill, Enfield, Esq.

Q. Are you a freeholder of the county of Middlesex?

A. No.

Nathaniel Stonard, of Bromley, brewer.

Q. Are you a freeholder of the county of Middlesex?

A. I am.

Q. To the amount of 10l. a year?

A. I am.—Sworn.

Joseph Mawley, of Tottenham-street, gent.

Q. Are you a freeholder of the county of Middlesex?

A. I am not.

Thomas Allen, of Bur-street, East-smithfield, brewer.

Q. Are you a freeholder of the county of Middlesex?

A. Yes.

Q. To the amount of 10l. per year?

A. Yes.

Mr. *Erskine*. I challenge him.

John Baker, of Ealing, Esq.

Q. Are you a freeholder, Sir?

A. I am.

Q. To the amount of 10l. a year?

A. I am.

Mr. *Erskine*. I challenge him.

William Row, of Tottenham-high-Cross, Esq.

Q. Are you a freeholder of the county of Middlesex?

A. I am not.

James Smith, of Ealing, Esq.

Q. Are you a freeholder?

A. Yes.

Mr. *Erskine*. I challenge him.

Bryan Marshall, of Hammer-smith, gent.

Q. Are you a freeholder?

A. Yes.

Q. To the amount of 10l. a year?

A. Yes.

Mr. *Erskine*. I challenge him.

Joseph Nicoll, Nea-down, Wilsden, gentleman farmer.

Q. Are you a freeholder?

A. Yes.

Q. To the amount of 10l. a year?

A. Yes, I am.—Sworn.

Thomas Bird, of Limehouse, distiller.—I am not a freeholder.

Robert Vincent, of Ealing, Esq.—I am not a freeholder.

David Roberts, of Ealing, Esq.

Q. Are you a freeholder?

A. I am.

Q. To the amount of 10l. a year?

A. Yes.

Mr. *Erskine*. I challenge him.

John Rudge, I am above 70 years of age.

George Brooks, Esq. and banker, Green-street, Grosvenor Square.

Q. Are

Q. Are you a freeholder?

A. I am not.

William Arnold, of Queen Square, Esq.

Q. Are you a freeholder?

A. I am not.

Thomas Nixon, of New Ormond Street, Esq. and merchant.

Q. Are you a freeholder of the county of Middlesex?

A. No.

Thomas Smith, of Upperfide, Ealing, Esq. and distiller.

Q. Are you a freeholder of the county of Middlesex?

A. I am.

Q. Of 10l. a year?

A. Yes.

Mr. *Erskine*. I challenge him.

John Charington, of Mile End, Esq. and brewer.

Q. Are you a freeholder of the county of Middlesex?

A. Yes, of 10l. a year.—Sworn.

George Rigby, of Stoke Newington, Esq. and Irish factor.—

I am no freeholder.

Thomas Allen, Bur Street, East Smithfield.

Q. Are you a freeholder of the county of Middlesex?

A. Yes, of 10l. a year.

Mr. *Erskine*. I shall challenge this gentleman, I see he is in a convenient place.

Andrew Burt, of Charlotte Street, Wapping, Esq.

Q. Are you a freeholder?

A. Yes, of 10l. a year.

Mr. *Attorney General*. I challenge him.

Charles Smith, of Bromley, distiller.

Q. Are you a freeholder?

A. Yes.

Q. Are you a copyholder and freeholder together to the value of 10l. a year?

A. Yes.

Mr. *Erskine*. I challenge him.

Archibald Paxton, of Buckingham Street, wine merchant.

Q. Are you a freeholder of the county of Middlesex?

A. Yes.

Q. To the amount of 10l. a year?

A. Yes.

Mr. *Erskine*. And I challenge him too.

Ralph Keddey.—I am no freeholder.

John Horsley, of Bull's Cross, Enfield, Esq.—I am no freeholder.

William Nicholl, a farmer, Harlesdown-hill, near Harrow.

Q. Are

Q. Are you a freeholder ?

A. Yes.

Q. To the value of 10*l.* a year ?

A. Yes.

Mr. *Erskine*. I challenge him.

Edward Franklin, of Wildden, farmer.

Q. Are you a freeholder ?

A. Yes.

Q. To the value of 10*l.* a year ?

A. Yes. I am upwards of 66 years of age, and I have got such a complaint in my bowels, that I do not know how to stand.

Michael Henley, of Wapping, coal-merchant.

Q. Are you a freeholder of the county of Middlesex ?

A. Yes.

Q. To the value of 10*l.* a year ?

A. Yes.

Mr. *Erskine*. I challenge him.

John Thompson, of Chiswick, brewer.

Q. Are you a freeholder of the county of Middlesex ?

A. Yes, 10*l.* a year.

Mr. *Erskine*. I challenge Mr. Thompson. Be so good as to ask Mr. Thompson whether his freehold is in Middlesex ?

A. It is.

Q. And not in London ?

A. No.

Mr. *Erskine*. I challenge him:

Joseph Ainsley, of Broad-street, St. George's in the East, coal-merchant.

Q. Are you a freeholder of the county of Middlesex ?

A. Yes.

Q. To the value of 10*l.* a year ?

A. Yes.—Sworn.

The twelve Jurymen sworn to the trying of the cause, were as follow :

Thomas Buck, Thomas Wood, William Frazer, Adam Steinmetz, Newell Connop, John Mercer, Thomas Sayer, Richard Carter, Nathaniel Stonard, Joseph Nicholl, John Charrington, and Joseph Ainsley.

The Indictment was then read over to the Jury, and the Prisoner given them in charge, informing them that he had put himself on his trial, on God and his country, which country they were, and their charge was to inquire whether he is Guilty or not ; if they found him guilty, they were to inquire what goods, lands, and tenements, he had at the time he committed the treason ;

son; and if they found him not guilty, they were to inquire whether he fled for it, and if they found he fled, then they were to inquire what goods, lands, and tenements, he possessed at the time of such flight.

The Indictment was opened by Mr. Wood, as follows:

Gentlemen of the Jury, this is an indictment against the Prisoner, Thomas Hardy, at the Bar, who, together with John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, in the Indictment are charged that they traiterously conspired, compassed, imagined, and intended to stir up, move, and excite insurrection, rebellion, and war against our Lord the King, and to subvert and alter the legislative rule and government now duly and happily established in this kingdom of Great Britain, and to depose our said Lord the King from the Royal state, title, power, and government of this kingdom, and to put and bring our said King to death.

The first overt act charged on this indictment is, that they met, conspired, consulted, and agreed among themselves, and together with divers other false traitors, to cause and procure a Convention and Meeting of divers subjects of our said Lord the King, to be assembled and held within this kingdom, with intent and in order that the persons to be assembled at such Convention and Meeting, should and might, wickedly and traiterously, without, and in defiance of the authority, and against the will of the Parliament of this kingdom, subvert, act, alter, and cause to be subverted and altered the legislative rule and government now duly and happily established in this kingdom, and depose and cause to be deposed our said Lord the King from the Royal state, title, power, and government thereof.

The second overt act charged is, that they did compose and write, and did then and there maliciously and traiterously cause to be composed and written, divers books, pamphlets, letters, instructions, resolutions, orders, declarations, addresses, and writings, and did then and there maliciously and traiterously publish, and did then and there maliciously and traiterously cause to be published divers other books, pamphlets, letters, instructions, resolutions, orders, declarations, addresses and writings, so respectively composed, written, and published, and caused to be composed, written, and published, purporting and containing therein, among other things, incitements, encouragements, and exhortations to move, induce, and persuade the subjects of our said Lord the King to choose, depute, and send, and cause to be chosen, deputed, and sent, persons as delegates, to compose and constitute
such

such Convention and Meeting as aforesaid, to be so holden as aforesaid, for the traitorous purposes aforesaid.

The third overt act is, that they traiterously did consult and deliberate among themselves, and together with divers other false traitors, of and concerning the calling and assembling such Convention and Meeting as aforesaid, for the traitorous purposes aforesaid, and how and when such Convention and Meeting should be assembled and held, and by what means the subjects of our said Lord the King should and might be induced and moved to send persons as delegates to compose and constitute the same.

The fourth overt act is, that they traiterously did consent and agree among themselves, and with other false traitors, that Jeremiah Joyce, John Augustus Bonney, John Horne Tooke, Thomas Wardle, Matthew Moore, John Thelwall, John Baxter, Richard Hodgson, one John Lovatt, one William Sharp, and one John Pearson, should meet, confer, and co-operate among themselves, and together with divers other false traitors, whose names are to the said Jurors unknown, for and towards the calling and assembling such Convention and Meeting as aforesaid, for the traitorous purposes aforesaid.

The fifth overt act is, that they traiterously did cause and procure to be made and provided, and did then and there maliciously and traiterously consent and agree to the making and providing of divers arms and offensive weapons, to wit, guns, musquets, pikes, and axes, for the purpose of arming divers subjects of our said Lord the King, in order and to the intent that the same subjects should and might unlawfully, forcibly, and traiterously oppose and withstand our said Lord the King in the due and lawful exercise of his royal power and authority in the execution of the laws and statutes of this realm, and should and might unlawfully, forcibly, and traiterously subvert and alter, and aid and assist in subverting and altering without and in defiance of the authority and against the will of the Parliament of this kingdom, the legislature, rule, and government now duly and happily established in this kingdom, and depose, aid and assist in deposing our said Lord the King.

The sixth overt act is, that they did conspire, consult, and agree among themselves, and with divers other false traitors, to raise, levy, and make insurrection, rebellion, and war within this kingdom of Great Britain, against our said Lord the King.

The seventh overt act is, that they traiterously did conspire, consult, and agree among themselves, and together with divers other false traitors, to subvert and alter, and cause to be subverted and altered, the legislature, rule, and government now duly and happily established in this kingdom, and to depose and cause to be deposed our said Lord the King from the Royal state, title, power, and government of this kingdom.

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The eighth overt act is, that they did traiterously cause and procure to be prepared and composed, divers books, pamphlets, letters, declarations, instructions, resolutions, orders, addressees, and writings, and did then and there maliciously and traiterously cause and procure to be published and dispersed, divers other books, pamphlets, letters, declarations, instructions, resolutions, orders, addressees, and writings, the said several books, pamphlets, letters, declarations, instructions, resolutions, orders, addressees, and writings, so respectively prepared, composed, published, dispersed, and caused to be prepared, composed, published, and dispersed as last aforesaid, purporting and containing therein (amongst other things) incitements, encouragements, and exhortations, to move, induce, and persuade the subjects of our said Lord the King to aid and assist in carrying into effect such traiterous subversion, alteration, and deposition as last aforesaid, and also containing therein, among other things, information, instructions, and directions to the subjects of our said Lord the King, how, when, and upon what occasions the traiterous purposes last aforesaid should and might be carried into effect.

The ninth and last overt act is, that they did procure and provide, and did then and there traiterously cause and procure to be provided, and did then and there maliciously and traiterously consent and agree to the procuring and providing arms, and offensive weapons, to wit, guns, musquets, pikes, and axes, therewith to levy and wage war, insurrection, and rebellion against our said Lord the King, within this kingdom, against the duty of their allegiance, and against the peace of our said Lord the now King, his crown and dignity, and against the form of the statute in that case made and provided. To this Indictment the Prisoner has pleaded Not Guilty, whereupon the issue is joined.

The Case was then opened in the following

SPEECH OF THE ATTORNEY GENERAL.

Please your Lordship and Gentlemen of the Jury, in the course of stating what I have to offer to your most serious attention in this great and weighty business before you, affecting, as it certainly does, the dearest interests of community, and affecting, as you will remember throughout this business, every interest which can be valuable to the prisoner at the bar, I shall have frequent occasion to call that anxious attention to the different parts of the indictment which has just been opened to you. Why I forbear to do so at this moment is, because I think that attention will be more use-

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fully given and acquired, both with respect to the public and to the prisoner, in another part of what I am now going to state.

Gentlemen, the prisoner who is before you stands charged, to state the indictment generally, with the offence of compassing his Majesty's death. He was committed on that charge by his Majesty's Privy Council. I will explain to you why I state these and the following facts. In consequence of the apprehension of this prisoner, and of several others charged by this indictment, and of others whose names do not occur in this indictment, proceedings of some notoriety were had in parliament, and an act passed, empowering his Majesty to detain such persons as he suspected were conspiring against his government: that act asserted, that a traiterous and detestable conspiracy had been formed for subverting the existing laws of this country, and for introducing that system of anarchy and confusion, which hath so fatally prevailed in France. The act, on the spur of emergency, was to contribute to authorise his Majesty's Privy Council in the detention, without mainprize or discharge, the prisoners then in prison for high-treason or treasonable practices, or who should afterward be apprehended under such circumstances, till the first of February, 1795.

Gentlemen, this measure, which did not suspend the operation of the Habeas Corpus act, that grand palladium of English liberty, but with reference to particular persons, under particular commitments, for particular offences, is a measure never admitted in this country by Parliament, but in cases in which, after giving all possible attention to the security of the rights of the subject from being broke in upon, it is found to be the last possible necessity, and which hath been repeatedly put in force in the best of times, in several cases where the wisdom of Parliament apprehended it was consistent with the measure of their duty, that the nation should part with it's liberty for a while, that it might not lose it for ever.

Gentlemen, appearing before you this day in the discharge of that duty which I have given me to execute, in the execution of which, it appears to me to be absolutely necessary, as you will collect from the fact, that I do appear here this day, I have to observe to you, that according to the true constitutional meaning of such an Act of Parliament, it is not that the trial of such persons should be delayed during the particular days of the suspension of the Act, but that the Act should, with reference to the time of trial, be allowed in the right execution of it; and it's operation only should be of that extent, which a due consideration of the public safety, tempered with a due attention to the liberty of the subject, calls for,

Gentlemen,

Gentlemen, the proceedings of the Legislature having been such as I have stated to you, his Majesty, in the exercise of his duty, as the grand conservator of the public peace, directed a commission to issue, to enquire whether any such treasons had been committed by any persons, and by whom. In the execution of the duties of that commission, a Grand Jury of this country hath declared, on their oath, that there is ground of charge against the person at the bar, and against others, sufficient to call on them, on a trial to be had before you, their country, to answer to an accusation for High Treason, in compassing his Majesty's death.

I have stated these circumstances to you in as strong terms as I can, expressive of this observation, that no proceedings of parliament ought to have, and I am persuaded, that no deliberation which they gave to the subject, had any influence on the judicial mind of a Grand Inquest; neither ought these proceedings to affect your enquiry, or induce you, in the determination which you are to make, on the issue you are now sworn to decide upon.

Gentlemen, there is not one circumstance of any proceedings before parliament, with reference to which you ought to suffer your minds to be influenced in the trial or decision of the case before you.

Gentlemen, it is obvious, that such proceedings as were had in parliament, providing for great emergencies, may be required and authorised by the genuine spirit of the Legislature, even in cases in which the Grand Jury would not be justified in finding a bill of indictment. It is much more obvious, that in a proceeding before you, the wisdom and the propriety of the legislature is not at all involved. You, therefore, gentlemen of the Jury, will consider the prisoner, as standing before you, in the full possession of an absolute right to the presumption of innocence, notwithstanding his charge in this indictment; except so far as that presumption is made by the simple fact that he hath been accused of by a Grand Jury of his country: and, before I conclude these observations, you will permit me to say, that, if there has been any thing that has fallen under your consideration by acts, or publications, that may have turned, or made any attempt to influence your minds, or any thing that may this day fall from any of those employed to try this grand cause, you will not suffer it to work any prejudice on your minds, either against the prisoner, or on the prisoner's behalf: on the other hand, I am perfectly sure, that your integrity will be a security to the public. You will not let any attempt of that kind make any impression on your breasts; and, on the other hand, I need not ask an English Jury to let them have any such attempt to influ-

ence them against the prisoner at the bar, nor an ill executed attempt to influence them in his favour.

Gentlemen, in order to understand the law of treason, as laid in the indictment, I shall take the liberty first to state to you the character, which, I apprehend, is necessary for the protection of those, whose person and government the statute avers it is.

Gentlemen, the power of the state, by which I mean the power of making laws, and enforcing the execution of them when made, is vested in the King; enacting laws in one capacity, that is, in his legislative character, by and with the advice and consent of the Lords spiritual and temporal, and Commons in Parliament, assembled in parliament, according to the law and constitutional custom of England; and in the other capacity, by executing the law when made, and himself subservient to the law when made, and acting with the advice thereof, when it hath been so made.

Gentlemen, the King's authority under the check, the constitutional and legal provisions and limitations, convenes and regulates the duration and existence of parliament; convenes those, which, according to the law and custom of the country, he is bound to call to attend the King in the parliament, sitting in his royal political capacity, and the Lords and Commons assembly, form the body political of this kingdom, by which is exercised sovereign authority and legislation. While the present law, the present constitution, and present government of Great Britain exists, no law can be made, but by that authority, no legislative power or authority can be created against the will, or in defiance, of that authority, whether in any, or any where constituted. An attempt to create such a power is treason, by the statute of the 25th of Edward the Third, for as in the King the power of legislation is vested, so also is the executive power of government to be exercised with the advice of parliament, and to be exercised according to those laws which are the birth-right and inheritance of the subject. Having on him the care and protection of the community, to him, in return, also the allegiance of every individual, according to the law of England, is due; that allegiance, by which the subject is bound, in the language of the statutes of this country, to defend him against all traitorous conspiracies and attempts whatever, whether made against his person, crown, or his dignity; it ascertains to whom this care and protection is committed; it ascertains to whom this allegiance is due, the breach of which, according to the opinion of the venerable Lord Hale, constituting High Treason is necessary to the peace of the community; it ascertains and defines accurately, what constitutes a breach of that allegiance, so essentially and absolutely necessary to the security of all that your ancestors have claimed, demanded,

demanded, and insisted upon, as the antient undoubted rights, and liberties, of your country. The former of these objects is secured by the law and constitutional custom of England, that law which secures to you every right you have, whether of person or property. It hath made the crown which his Majesty wears hereditary, subject to limitations by parliament; and I beg your attention to that. The latter subject hath been most anxiously secured by the statute referred to in the charge, which brings forward the indictment which you are now to try. The King having this hereditary crown, the law and the constitution has also defined his duties, these duties which it is incumbent on him to execute for the benefit of his subjects, in the execution of which duty, they have aided him with money, and, in consideration of such service, they have clothed him with dignity.

Gentlemen, with respect to the duties of the King, they attach on him the instant he becomes such; so also, the moment his title accrues, the same instant the duty of allegiance from the subject, the breach of which is High Treason, attaches to him; he recognizes his duty in that oath which he is bound to take on him at his coronation, to promise, and swear to govern the people of this country, according to the laws and statutes in parliament agreed upon; mark the words, gentlemen, and the laws and customs of the same, that, to his power, he will cause law and justice, in mercy, to be executed; that he will maintain the laws of God, and the true profession of religion established by law. This oath, as stated by that great, venerable Judge, Justice Foster, is a public recognition, not only of the duties of the King, but the fundamental rights of the people, thereby being impressed on him; and throughout this case, it cannot be too strongly recollected that it imposes on him the most sacred obligation, to govern according to the laws and statutes in parliament assembled, and according to the laws and customs of the same, and no other. Addressing this Court, which is a Court of Law, in which you, the Jury, are sworn to make a true deliverance, according to the laws of England; can I impress it too strongly, and it cannot be supposed by possibility, that the King can, consistently with this oath, and with the antecedent duty, recognize any implicit engagement, and which the terms of it might engage him, either to act, or can he permit himself to act, according to the rules of government, by any bodies advice, assuming any character, functions, or situations; these rules of government being to operate as laws, the statutes agreed upon in parliament, and the laws and customs of the same, only excepted; this seems to be a necessary conclusion of reasoning, to be addressed to a court of law, that those that conspire, not to remove him out of the government altogether, if they conspire

to remove him from that government, against that statute, if they conspire to remove him from the title, power, and government; which the indictment, you will find, presently mentions, it is to subvert and alter the rule and government now established in this kingdom; he ought not to so govern, he cannot so govern, he is bound to resist such an attempt at the hazard of all it's consequences. Resistance necessarily produces deposition, or it endangers his life.

To the king, on whom these duties are incumbent, the law and constitution, for the better execution of them, has assigned various councils, and responsible advice; it hath clothed him under various constitutional checks and provisions, with various attributes and prerogatives, as necessary for the maintenance of the civil liberty of the people; it ascribes to him sovereignty, imperial dignity, and perfection; and, because the rule of government, in this kingdom, cannot exist, for a moment, without a person filling that office, it ascribes to him also, that he never ceases to exist. In foreign affairs, he makes war and peace; in domestic concerns, he is a constituted part of parliament, he has power to raise armies, and is the great conservator of the public peace, bound to maintain and vindicate the greatest trust that ever was reposed in man; the fountain of honour, office, and power; the great arbiter of public causes, and the head of the national charge. I hope it will not be thought amiss my stating this much, because it appears, that such are the duties and prerogatives, that the sovereign has, in this country, all existing for the protection and security of the people, in an established form of government. This accounts for the anxiety with which the law watches over his person; this accounts for the effect of ever compassing of his death or deposition; as it seems to co-exist with an intention to subvert and alter the constitution, it appears to be a design to depose him, under which the constitution is, and by which the exercise of those constitutional powers, appears to be created.

Gentlemen, consonant with this, the tenor and language in the charge of every indictment, is most clearly expressed. Lord Hale says, that a more high offence cannot be, than that committed more immediately against the person and government of the King; I cannot state it more strongly to you, or from an authority whose authenticity will be less questioned by you, when I state to you the opinion of one of the counsel for my Lord George Gordon; indeed, it is no more than what follows the exposition of the law of England, as delivered by all it's great lawyers, when it states it's principle thus, to compass or imagine the death of a king; such intention or purpose, visible only to the great author of our being, must be manifested by some
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overt act; this is the definition obviously directed, not only to a security of his natural person, but to the stability of his government; the life of a prince being so interwoven in the constitution, that an attempt to destroy the one, is a rebellious conspiracy against the other.

Gentlemen, it will be my duty to state to you presently what is the law of an attempt against the life of the King.

Gentlemen, it seems, therefore, that before the ancient laws of England were changed, which even in the case of a subject, held the intent to kill, homicide, as well as in any case of a king, the intent to kill or depose him, without the proof, the fact, where the measures were taken to effect the attempt, was treason; with a difference, however, as to the nature of the acts.

That is stated again in the words of the great and venerable authority; I mean, Mr. Justice Foster, who says, that it was with great propriety that the statutes of treason obtained the rigour of the law in it's full extent in the case of the King; in the case of him, says he, whose life must not be in danger, because it cannot be taken away by treasonable practices, without involving the nation in blood and confusion; levelled at him, the stroke is levelled at the public tranquillity. That I may be fully understood what it is that I have to contend for in the course of this trial, is to put you in mind again of that which I have before stated, that it is absolutely and not less necessary to the security of individuals, than it is for the security of the nation at large, that the person and government of the King should be secured; on the other hand, the crime of high treason should not be undetermined, it should not be left either undefined in the law itself, or in the construction of that law; this is not to be collected merely in this country from reasonings at this time, obvious enough to be so collected, for the experience of your ancestors has informed you; and I beg to impress it on your minds, in what is to be found in their annals, in which no man knew how he ought to speak or to say without suspicion of high treason, in the anxiety which the preamble to the statute of Edward III. expresses, and the expressive language which your ancestors used, proves when the provision of that statute was first instituted, in the code of laws under which we all live.

Gentlemen, I admit too that it may ultimately save your time, that I treat the subject thus on the outset of it; that before this statute was made, on which the indictment now before you proceeds, this necessity for the security of the subject was not sufficiently provided for; and I say yet, with that statute in our code, with those who say it is not sufficiently provided for, if any construction is given to that statute which the legislation did not intend it to receive; it is necessary on these heads to trouble you with

with some, though few observations. That the law of treason should be determined and certain, is not more necessary for the security of the public, than that there should be a law of treason, and that it should be faithfully, fully, and firmly executed. Every statute must have some form or regimen of government; it must be determined by whom, and under what mode the sovereign power is to be, and exist in the country, under which all are to be subject. No government can exist, except this power is placed somewhere; and an attempt to subvert that power is an attempt on the established law. It is also necessary, that an attempt of that sort should be guarded against being too severely handled. The offence against particular laws does not involve the destruction of the state, the destruction of all laws, but which leave laws for the sufficient protection and security of liberty and happiness.

This is also the reasoning of that great Judge Hale, who says, that the greatness of the offence, and the severity of the punishment on high treason, is, because the safety, peace, and tranquillity of the kingdom is highly concerned, and the safety and preservation of the person, dignity, and government of the King; and therefore the laws of the kingdom have given all possible security to the King's person and government, and punishes any attempt against it with the severest penalty.

To describe this great offence is what the legislature in King Edward the Third's time, proposed to perform, when they enacted the venerable and reverend statute on which this indictment is founded, made for the more precise definition of this crime, as was stated again by the authority of council; it was defining that which by the common law had not been sufficiently extended in the plain unextended letter of it. You will mark the words, they are these; It was made because the common law was not found to be a sufficient protection to the person and honour of the sovereign; but not only to the person and honour of the sovereign, but also an adequate security for the laws committed to his execution.

In addressing a Jury in a Court of Law, sworn to make deliverance according to that law which constitutes the seat in which they sit, there are two propositions which appear to be clear in this; the first is, that I ought not, that I cannot dare to call you to think, that I cannot dare to think of it myself, to say that there has been committed, under this statute, any offence, if the facts of the case to be laid before you, by the plain manifest authorized interpretation of the statute, does not constitute an offence under it; if the statute should seem to any man, or to you, not to be a sufficient and adequate security to the personal honour of the sovereign, in the due execution of the laws, he has, nevertheless, all the security which the law hath authorized
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you to give him, and God forbid that you should think of giving him any more; on the other hand you are bound by your oaths, if this law has been violated, and if the fact of violation is proved by evidence, convincing in its nature, and such in its form that the law requires, for the law in this case requires not only convincing but formal inquiry; and if the evidence be such as the law requires, in evidence and form, you are bound to give to the prisoner that verdict which the statute violated would give, and which the statute intended should be given.

Men of honour and conscience acting under the sanction of a law, though of different opinions, it must take them to the same conclusion whilst judging of the same facts by the same law, whatever the principles of government may be, however they may differ in the effect of the facts laid down. In the trial of a person whose name I shall have abundant reason to mention to you in the course of these proceedings, The author of the Rights of Man; it was judiciously, truly, justly, and strongly admitted in fact, that if the Jury had been composed of, that is, if there were twelve such men of this country, republicans, wishing to act from conscience, and from the nature of their oath, which is to give a verdict according to the law, if they were convinced that the crime had been committed, no man would have the audacity to say, that they could be capable for a moment of not coming to the conclusion, which the facts call for, on the law that they are sworn upon.

The preamble to the statute on which this indictment proceeds, is to the following effect; it states, and it states most truly, that divers opinions had been had before this time, that is, the time of the 25th of Edward III. in what cases treason should be said, and what not; the King at the request of the Lords and Commons, has made a declaration, that it shall be treason to compass or imagine the death of our Lord the King. Or if any man do levy war against our Lord the King; or if any man be adherent to the King's enemies in his realm, giving them aid and comfort in the realm or elsewhere, and thereof upon sufficient proof be attainted; by which words is understood to be attainted by evidence; be attainted of open deed by men of his own condition. And then, gentlemen, there is this, to which you are bound to give your attention for the sake of the prisoner, as well as for the sake of the public, the interests of both are blended in this: the act further says, because many other like cases of treason may happen in time to come, which cannot be thought of nor declared at present, it is accorded, that if any other case supposed to be treason, which is not above specified, doth happen before any Judge, the Judge shall tarry without going to judgment for the treason, till the cause be shewed and declared

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before the King and his Parliament, whether it ought to be judged treason or other felony.

I desire to point out here, in the most marked way in which I can state, the anxiety with which the parliament wished to reserve to itself the judgment of treason, not being treasons specified in the statute, but being like treasons, they would not trust the subject to any court of justice on that point but themselves; it gives an authenticity to the law of England, on the case of treason, a degree of authority that does not belong to decisions in courts of judgment on any other case whatever.

Gentlemen, having read the statute to you, it is not unimportant as it seems to me, to observe that Hale and Foster, who have stated the judicial and other expositions of this statute, have stated them, and expounded the statute under the weighty conclusion which they most powerfully claim, against extending this statute by parity of reason; this circumstance alone appears to me to give infinite authority to it, the exposition which they state of it as found and as being according to the interpretation of it, which the legislature in Edward the third's time meant to give to it.

Gentlemen, it may save your time, and that of the court, if I trouble you here by reading the language of my Lord Hale, the language which he holds as describing the necessity which courts of justice are under to construe it, under the real specified treason, without parity of the construction as to the treason itself, when they come to construe it. Lord Hale states it thus: Now, says he, the crime of high-treason is the greatest crime against the faith and duty we owe to the sovereign and to human society, and brings with it the greatest and most fatal dangers to the government, as well as to the peace and happiness of the kingdom or state, and is therefore deservedly branded with the highest ignominy, and subject to the greatest penalties. Yet by these he instances, those laws which were before the statute of the 25th of Edward III. or the first of Henry IV. and therefore he adds, yet it appears how necessary it was that there should be some settled boundary for the crime of treason. How dangerous it is to depart from that statute, and not to multiply and enhance crimes into treason by ambiguous words; and how dangerous it is by construction and analogy, to make treasons where the letter of the law has not made them. In another passage, after having given his comment on this statute, after having stated what are the acts which fall within the letter of it, and the sound interpretation of it; he says, that the great wisdom and care of parliament has been to keep judges within the boundaries and express-limits of this act, and not to suffer them to run beyond it.

I am persuaded as those were persuaded that conducted the
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defence of my Lord George Gordon, that we live in days in which the judges of the country have neither inclination nor courage to stretch it beyond its limits; and those who dare to state it in any place in which they are not authorised to state it in, do not that justice to the country which is due to every individual.

Gentlemen, having said thus much, I now say, in order to be perfectly understood, that I do most distinctly disavow making any charge of constructive treason; that I do most distinctly disavow stating, in this indictment, any like cases of treason, not specified in this statute; I do now most distinctly disavow stating accumulative or analogous treason. I do most distinctly disavow enhancing by parity of reason that into treason which is not specified in this statute. And the question between us appears to be distinctly this, whether the defendant is guilty of a treason specified in the statute, and whether the evidence that is to be brought before you amounts to that proof, satisfactory to your minds and consciences (your minds and consciences being prepared to admit no proof but what you ought to receive under the obligation of an oath) of treason of an open deed specified in the statute.

Gentlemen, the indictment charges the defendant with compassing and imagining the king's death, and with having taken measures to effect that purpose. That I may be thoroughly understood, you will permit me to state here to you, that there is not only a manifest distinction, but a settled distinction, in the course of judicial practice in treason, settled for no other cause, but that there was a manifest distinction in treason, between like treasons, constructive treasons, like cases of treason, analogous or accumulated treasons, or various overt-acts of the same treason.

Gentlemen, the business before you is, whether the acts laid, or overt-acts of treason, specified in the statute and specified in the indictment, amount in all their circumstances to open deed done, by which a person may be probably attainted. The specified treason is the question that a Jury is to try. To explain myself on this: I take it to be clear, and I will not in this stage of the business, enter into the discussion of what I call the clear and established law of England concerning treason, because I will not in a case of high-treason urge the matter any more than I would about a crime committed against any other statute. I will not enter into the discussion on what is taken to be the clear and established law of England, that which not only secures the subject in this respect, but without which no power can be said to exist. But I am authorised to state to you, that the form in decisions, which for centuries have prevailed, are to be taken to

be treasons from the established law of the fact; for instance, deposing the King, entering into measures for deposing the King, conspiring with foreigners to invade the King, going to a foreign country to give invitation for the purpose of invading the King; conspiring to raise an insurrection, either to dethrone the King, or to imprison the King, or to oblige him to alter his measures, or to remove his Counsellors, have been held from the established law of the fact, and by decisions heretofore in Courts of Justice to be treason; and, that those who intend to do so have been guilty of overt-acts of treason to compass the King's death; and who will suppose that they were not acting under the influence of that weighty memento, which, they knew, ought to guide those who are to succeed them in the seats of judgment. Yet I give you this in their very words, which have concurred with Parliament into the bargain, in the construction and exposition of the statute, that all these things are overt-acts of the same treason that is specified in the Act of Parliament, because the law says, that he that does that which may endanger the King's life, the law holds him encompassing the King's death; if in the ordinary course of things, the measure which he takes is in pursuance of the purpose which, first affecting the King while he lives, in the ordinary course of things, will bring him to his grave when he dies. This is not raising constructive treasons; this is not raising treasons by analogy; this is not raising like cases of treason; it is stating overt-acts of treason, which are measures taken in pursuance of the treasonable purposes intended: which measures may necessarily be as various in their kind, nay, must necessarily be as various in their kind as the ways and means of which any facts and open deeds of the human heart can manifest itself to commit some one or other treasons mentioned in the statute.

Gentlemen, I observed it to you that Courts and Juries have constantly done this in the execution of the statute under which this indictment is framed; if therefore they have done wrong in doing this, if the interpretation they have made of the statutes are not right, if they have done it against the approbation of the statute, they have done it in the presence and under the eye of the parliament, which have expressly forbidden them to do it, the conclusion on that is, they have done it right.

Gentlemen, the courts of law argue uniformly with acts of parliament in this country; acts of parliament have been made over and over again, to bring them back again to the statute of EDWARD III. but we have lived to this hour and cannot find that they should say that the overt-act should not be taken to be an act of high-treason within the statute, because the statutes do not mention the various manners by which the human heart may shew its compassing of this purpose.

Gentlemen,

Gentlemen, but this is not all, because what one fees charged is not only according to the laws of England ; but the proceedings in parliament are a parliamentary exposition, if I may so call it, where the statutes have been thus construed, and where this distinction between the overt-acts, in like cases of treason, have been acted upon, proposed by one house to the other, and acted upon by the crown in executing the sentence. Gentlemen, the distinction then only is, a like case of treason, is a case not specified in the statute, but a case productive of like mischief specified in the statute, but a like case of treason before it be proceeded upon must be shewn to parliament.

But the facts, the open deeds, alike in nature and tendency, but various in their circumstances, may prove the same intention to exist in the minds ; that there may be many measures to execute the same treason, and the like treason, appears in my mind to be obvious.

Gentlemen, I conceive what the treason law says is this, whether the jury are fully satisfied about the evidence by which they can probably attain to the conclusion, that the act laid is an overt-act of compassing the particular specified treason, whether measures are taken in pursuance of and to effect that which is specified in the Indictment.

Gentlemen, I profess for myself I am sorry to trouble you thus much at large ; but you will find it hath an application and a close application to the cause I have to lay before you ; this is an important public cause, and therefore we should thoroughly understand it. I do not know what a constructive overt-act is ; but I do understand constructive treasons, levying war against his Majesty, without declaring it to be levying war against his person, is constructive treason ; as when men do that which will eventually effect the King's life, as levying war, or pulling down prisons or other houses, are constructive treasons, they are levied against his royal Majesty, and it hath been held as constructive treasons by the decisions of judges of the highest character ; this hath been permitted to be proceeded upon as such, many had been convicted on them, execution hath followed, and no one hath ever doubted either the law or the justice of these determinations.

Gentlemen, but as for constructive overt-acts of compassing of the King's death, were the indictment lays the overt-act, the compassing the King's death, the step taken must be such a deed deliberately done as must satisfy deliberately the Jury, that there was an intention of deposing or putting the King in such circumstances, according to the ordinary course of mankind, so that his life would be in danger.

Gentlemen, I before stated to you for another purpose various
acts,

acts, which are acts of compassing the King's death. I will again repeat them to you, from that great authority Mr. Justice Foster, deposing, entering into any measures, conspiring to imprison the King, which you observe may be done without an actual intent to put him to death, is treason; but you find the reason why that is held to be compassing the King's death, with the sanction of all times, and various species of authorities that the country could give, was because it was a design to get his person into the power of the conspirators, because the course that the law has taken is not confined to attempts of any flagitious kind; as poison, assassination, &c. but the law has extended it to every thing wilfully and deliberately done or attempted, whereby his life may be in danger, and therefore entering into measures for deposing or imprisoning him, or to get his person into the power of the conspirators, this offence was an overt-act of treason within this statute, for, says he, experience has shewn that between the prisons and graves of kings the distance is very small, and experience has not grown weaker in the history of these modern times.

My Lord Hale also says this, that, though the design of the conspirators is not directly and expressly the death of the King, but something that in all probability will induce it, this is an overt-act of compassing the King's death.

The instance he gives is this, if men conspire to imprison the King by strong hand, or by force, or even write letters for that end: this is an overt-act of treason.

What is the reason he gives as the same in effect, though not in terms, as that given by Foster, who says it is in effect to despoil him of his kingly government; and all experience gives to see, that the reason given by Hale and Foster are the same, although the terms are different. Imprisonment is the same as deposition, and he that compasses deposition of the King compasses his death. It is the same as deposition because it is a temporary deposition of his kingly government, which according to this interpretation of the law usually ends in his death.

Treason, with regard to adhering with foreigners, is thus constituted: that if foreigners are not at war with you, the offence consists in going into a foreign country, or purposing to go there in order to invite force into this kingdom; this can only fall within the branch of treason, that branch of compassing the King's death. If they are at war with you, it amounts to another species; it is adhering to the King's enemies.

Gentlemen, having stated this much, I proceed now to consider the indictment, and I have stated it to you for that purpose, before I mention the substance of the indictment, as laying my claim to full credit with you that no man living can state it to you more strongly

strongly than I wish to do, that we have all as great an interest in the true construction of this law as any man can have, that I may at once repel from myself, the supposition, that I mean to extend the law of treason in the charge that I have now brought before you, one single iota beyond what I conceive to be the established law in this country, as the law is that says, the property you bought yesterday you may give to whom you please to-morrow.

Gentlemen, the indictment finding several persons, in effect to be tried separately, though indicted jointly, combined in a particular act, which I will state to you by-and-by, has charged them generally with compassing the king's death; it has then proceeded to charge them with meeting among themselves to cause and procure a Convention of divers of his Majesty's subjects to be held within the kingdom, and it not only states that the Convention was to be held within the kingdom, but to be held with the intent and in order that the persons to be assembled at such Convention and Meeting should conspire, and agree to meet wickedly and traitorously, without, and in defiance of the authority, and against the will of the parliament of this kingdom, in order to subvert and alter, and cause to be subverted and altered, the legislative rule and government established in it, and to depose the King from the royal state, title, power, and government of this kingdom.

It then charges them for having published divers books, pamphlets, letters, orders, declarations, addresses, and writings, purporting and containing incitements, encouragements, and exhortations to persuade the subjects of the King, to depute or cause to be deputed, and send persons as delegates in a Convention, but such a Convention and Meeting to be held for the traitorous purposes before mentioned.

The third overt-act charged in this indictment is, that they had consultation among themselves, how, when, and where, such Convention should be assembled and held, and by what means the subjects of the King might be induced and moved to send persons as delegates to the same.

And it then charges, that these persons did consent and agree that Mr. Joyce, and several other persons, named in the indictment, should meet, confer, and co-operate among themselves, and together with divers other traitors, whose names are to the Jurors unknown, for and towards the calling and assembling such Convention and Meeting. It then charges the providing themselves with arms of different descriptions, for the purpose of arming divers subjects of the king for the same purpose as before mentioned.

And then it charges them with conspiring and agreeing
among

among themselves to make war in the kingdom, and their conspiracy is stated to be to subvert the legislature, rule, and government of this kingdom, and to depose the king. From the indictment, therefore, you will have to form a conclusion, and if you shall not be satisfied that the calling of such a Convention was a means to effect that compassing and imagination, yet you will find, in the evidence that is to be laid before you, even if you pay no attention to that circumstance, you will find sufficient evidence of a conspiracy to depose the King. It then states again, that they published several books and other matters for that purpose; and it also charges them with a further overt-act, providing arms for that purpose.

Gentlemen, now having stated before you, that a conspiracy to depose the King, and not stated it to you in my own words, that a conspiracy to depose the King, to imprison him, or to procure an invitation thereto, with steps taken to effect such a purpose, is treason. You will find that a conspiracy to depose the King is expressly laid in this indictment, which will be clearly proved to you; and if a conspiracy to depose the King be an overt-act of high-treason, permit me then to ask you, what can a conspiracy be, to subvert the whole government, including in it the deposition of the King; to subvert the monarchy of the country? What can it be, but high-treason? In the object of such a conspiracy the whole of the state is included, in which the King is necessarily involved, because he is necessarily a part of it; and it is already shewn, that conspiring to depose him, is compassing his death.

Gentlemen, read, as you are, in the history of your country, give me leave to ask you, if measures had been taken, after the Revolution, to effect a conspiracy, to dethrone King William, and restore King James, the conspiracy would not have constituted the class of high-treason, although not actually meaning the death of King William? The law says, you cannot mean to dethrone a King without meaning to endanger his life.

Gentlemen, if the project had been to depose the same King William, and measures had been taken on it, not with a view to bring back to the throne James the Second, but merely to send back King William to his former character, the Prince of Orange, and not to restore King James, but to restore a Commonwealth, to restore what they meant that are charged in this indictment. If it was said, that these people meant a full and fair representation of the people, can a lawyer be found who will say that the guilt of high-treason would not have been incurred.

Gentlemen, I do not know what will be stated, but according to the best lights which I can gather, it does not appear to me

me probable, that any man will state it otherwise. On the other hand, far be it from me to say, as I would not wish to encounter the authority of a country for centuries, therefore I do not say that I am certain I am stating the authority of the country, but I cannot conceive or imagine on what principles it could be founded, if it was not high-treason.

Take it another way, could the regicides of Charles the First, if tried for compassing the death of Charles the First; if, instead of killing him, they had only deposed him; could it have been disproved by any man of common sense, if they had contended it, that though they would have been guilty of high-treason if they had placed another individual on the throne, yet that they were not guilty of it, because they deposed a King without substituting another King in his place, but leaving the government to be filled up by the Commonwealth. Supposing it had happened after King William came to the throne, or in earlier times, that any set of men in this country should have ventured to meet in an united association, for the purpose of deposing King William, under pretence of assuming a Convention of the People, will any man venture to contend, or would it have been possible to have contended, that because they met under the pretence of being a Convention of the People, that the conspiracy was not as complete in compassing the death of King William as if the conspiracy for compassing the death of the King had been by the same persons in some after united societies.

If I levy war on this country, I am guilty of high-treason; if I conspire for to levy war in his Majesty's dominions, I am guilty of high-treason; if I hold a fortress against the King, I am guilty of high-treason; if I am guilty of high-treason under these particular charges, am I guilty of no offence if I do the same acts for the purpose of destroying monarchy altogether, and with the destruction of monarchy unite the deposing of the King and monarchy at the same time; what is this but doing an act that is involving in it high-treason; and more high-treason in deposing the King; more in bringing about all that additional anarchy consequent on a change, if destruction can be called change.

To assert that measures taken for the total subversion of the monarchy of a country, including in it an intention to depose the King, are not overt-acts of compassing the King's death, merely because the statute of the 25th EDWARD III. has not used the words, but have left juries to determine what are overt-acts or overt-deeds; for though the words are not used, yet the statute include the words which the words comprehend; I say

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if this was merely asserted in a Court of Justice, I should certainly say to them that ventured to say so, that they had ill considered the law; but if it should be attempted to be sustained, I should say, that it deserved to have an observation applied to it of an harsher kind of language.

This indictment, besides charging the prisoner to depose the King, in express terms, also charges him with conspiring to call a convention, against the will, and in defiance of, and against the authority of parliament, for the purpose of deposing him; it charges him also with doing further acts, namely, of publishing books, pamphlets, letters, instructions, resolutions, orders, declarations, addresses, and writings, containing incitements, inducements, and exhortations, to move, seduce, and persuade the subjects of the King to send delegates to such Convention; which I say are both overt-acts, and evidence of overt-acts of high-treason; namely, the conspiring to call the Convention, and the publishing instruments for that purpose.

Gentlemen, before I state to you the particular overt-acts, I must trouble you with some general observations, and I think it will have a tendency to render intelligible to you the complicated mass of evidence I have to lay before you. The Convention meant to be called by these charged with the conspiracy in this indictment, was, as I shall effectually prove from evidence, a Convention of persons who were to assume the character of a Convention of the people, claiming as such all civil and political authority, proposing to alter the government, otherwise than by the constituted legislature of this kingdom, otherwise than by these statutes, which the king is sworn to rule and govern by at the hazard of his life. If this is made out, it appears to me, it appears necessarily on the part of all who conspired in it, that they are guilty of the attempt of deposing the King, according to the law; of deposing him from that character which he holds in the government, and to which he is sworn.

If they conspire to assemble in a Convention, which is against the will of the Legislature, and to act in defiance thereof in such Convention, and so far to assume sovereign power, it is, according to the law of England, a conspiracy to depose from the sovereignty, him, who under restraint of the constitution and law, holds that sovereignty. There cannot be two sovereign powers in any state; there may be complication of authorities, and several authorities in subordination; but there cannot be two sovereign powers in any state. If a meeting assumes the Convention of the people, the King and Parliament must be obedient to the meeting, or the meeting obedient to the King and Parliament; if it is to be obedient to the King and Parliament, it cannot effect its purpose; if it was to dethrone the King, it

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is an overt-act of high-treason; if the Meeting means to oblige the King and Parliament to be obedient to them, by the exertion of open force, though it may not effect its purpose, it makes no difference, the law must be the same, if the conspirators only project the Meeting, provided a step be taken by them towards that Meeting; because this, I say, is a conspiracy to constitute a new sovereign power, it is a conspiracy necessarily meant to depose the existing power, and of necessity to depose the King; I say, meant to depose, for I repeat it, whether the conspiracy is successful or no is very immaterial; and I would also say, whether the particular fact of calling such a Convention may be represented as not new in the history of this country, yet still it is not less the means of compassing the King's death.

There is also another distinction, to which I would beg your attention, and that is this, it is of no consequence, whether the first meeting was itself to be the Convention of the People, or was only to devise the means of forming a Constituted Assembly, or Body which should assume it; for any act of assembling it against the will, and in defiance of the authority of Parliament; any act taken towards the convention of such a body, is an act of conspiracy against the King; and any act done by such a body not formed by the Legislature, is an act done-towards the deposing of the King from the sovereign power, who now has it vested in him, under the restraints of the constitution.

You cannot set about organizing a body, which is to act without the consent and in defiance of Parliament, without meaning to depose the King; because you cannot do it, without meaning to frame a body that is to usurp the powers of government.

I think, from the evidence I shall lay before you, it will most abundantly satisfy you, that the Convention to be called was meant to be a Convention that was to alter the whole frame of sovereign power in this country; that it was to form or devise the means of forming a representative government, to constitute in a body, founded on universal suffrage, and the alleged unalienable, and imprescriptible rights of man, all the legislative and executive government of the country; that a conspiracy of this kind would be an overt-act of high-treason, I presume, cannot be disputed, because it must necessarily include in it the deposition of the King.

I go further, and say, if it had been intended to have retained the name and office of King, and to retain it in the person of the present King, creating a new constitution to act with him (provided they would have allowed him to act with such a legislation) in calling on him, to act contrary to his coronation oath, it still would have been a conspiracy to depose him from his rule

and government of this kingdom, as now established; if he refused to accept, he must be deposed from that authority, and if he did accept, he could not be the King of England, as now by the law of England; he could not so govern, he must resist, and in resistance all the consequences of his life are in danger.

Thus, taking it in either way, and I care not with how much audacity the persons calling a Convention, say they are to be the Convention of the people; whether in order to take away the authority of the King and Parliament, or to allow the present King to act with them; yet it is an overt-act of high-treason. The King must be deposed while a constitution is framing, as it would be those that had sovereign authority that could frame it as a constitution, surely he is by parity of reason, and not by parity of reason as stating a treason not specified in the statutes, deposed. To be sure, he is deposed from his kingly government as Lord Hale states it, as in cases of temporary imprisonment. He could not, consistent with his coronation oath, but reject it when framed; he must reject it, the consequence of which is, his life would be in danger; for to suppose that such a meeting which proposes a new constitution would depart quietly home, if it was not accepted, is not according to the ordinary experience of mankind, more especially in these modern times.

The King in his Parliament could not have the sovereign power, the moment the Meeting could act as a national constituted Assembly, neither could such an assembly dare to meet, but the power which is to call it to meet, must take on itself to depose every other power. This is the character of a Convention. And with respect to the prisoner, he said, the Convention which I am to call, is sovereign, unlimited, uncontrollable, and by such a Convention my representative system is to be accomplished.

When in this country a vacant throne was given in the time of King James to King William, which, as they state in the Bill of Rights, represented all the estates of government of this realm; in the moment there ceased to be any exercise of the powers of the sovereign, in that instant the sovereign power of this country became vested in the King and Queen on the throne to be exercised; and the legislative part undoubtedly to be exercised with the advice and consent of Parliament formed according to the law and custom of this country; and the whole executive authority under the control and limitations of the Law and Constitution, and to be limited with the advice which the King has to be responsible for him.

I insist, therefore, that to conspire to assemble a meeting, that is to act as a Convention of the people, claiming all civil and political authority; or if indeed, one can conceive it a meeting
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to frame the manner of bringing together such Convention, is conspiring to depose the King, it is an attempt to create a power subversive of the authority of the King and Parliament, a power which he is bound to resist at all hazards.

But it will not rest here, the evidence which will be offered to you, will prove satisfactory, that the express language of the Meeting, or of the Committee of Conference, was ultimately and finally, and then in their prospect, the deposition of the King.

Beyond this also, the Indictment has charged as overt-acts, a conspiracy, without the medium of a Convention, and without that Meeting to dethrone the King, by providing divers arms and offensive weapons. The Indictment further charges as overt-acts, a conspiring to levy war, I do not mean constructive war; and this I state, without question, to be an overt-act of compassing the King's death, and obliging the King to alter his measures of government, is levying of war; and this, whether they conspire to form a representative government, excluding the King entirely, which I say is the fact; or if they conspire to form a government, not excluding of him entirely, but compel him to govern with others, and without those, by whose advice and consent alone, he is bound and sworn to govern; I mean, the great council of the nation, the Lords and Commons in Parliament assembled according to the constitution of the country; and to constitute against his will, and against the present constituted authority of the country, a branch of legislation founded on principles of universal suffrage, and annual representation, without the authority of Parliament; that conspiring, the doing this I contend would be an overt-act of treason, of deposing him.

The object stated in the Indictment, the Indictment has charged it, was meant to be carried by force, by actual force, and there will be proof to make it out; that the case was not a case aiming merely to intimidate the legislature, nor induce it by any act done which was according to the forms of the Constitution, to new-model the sovereign power; it goes far beyond this, the application in any shape to Parliament was not only disavowed, but the very competency of Parliament after applied to, to make a law to new-model the government, was disputed and denied, from the idea of that competency, being recognized to be very repugnant to their principles.

I must say, that a conspiracy to compel the King by force, against his will, to give his assent to an act obtained in order to alter the government and frame of the constitution of the country, whether it was obtained by the two houses of parliament, or either of them, by over-awing him, or not over-awing him, is high-treason; that a conspiracy by force, to compel the King,

in the highest and most essential acts of the government of the country, to compel him, by force, to do that, is unquestionably an overt-act of treason, and of compassing his death, cannot be disputed; it is neither more nor less than to substitute the will of those that force him, in the room of that Royal will, in and by which alone the law and constitution of this country has declared, that the bill, however obtained, before it comes to him to receive the authority of the state, in him alone that will should be vested.

I have thought it necessary to state thus much, before I come to state the circumstances of the case. Gentlemen, it is not to be expected by persons who execute the duties of the great and important situation, which you are now called upon to execute, that the counsel at the bar should be able to state to you law that no man can question the tenor of it; nay, Gentlemen, it is not to be expected by you, that the counsel at the bar should be able to state to you, in all cases, the law, which men of great character and experience, may not dispute the circumstances.

It is the duty of counsel particularly, and more particularly it is the duty of those counsel that are to support the prosecution, not to bear down the circumstances with too great weight; for if he presses them unfairly, he betrays, in the most essential point of his duty, his uses to his Sovereign; it is his duty to endeavour to explain and expound the law that applies to the facts, according to the best ability he is able to do it, in the exercise of painful industry, under the reflection that, at least, he is much under the obligation of endeavouring to do it.

I have thought it my duty, to state distinctly and fairly, what are the grounds on which I proceed; and I have no doubt, at this moment, in my own mind, but I have stated these doctrines as the law of England would have stated them; but I claim from you and the public, that, in the fair exercise of my duty, conducted on the principles that I have stated to you, to do me the credit to believe, that I have stated them as I believe them to be, according to the statement of the law and constitution of the country.

I shall presume, for a moment, after having read to you the indictment, and given you that exposition of it, that I have humbly offered, to conclude that the indictment has told you, with sufficient certainty, what is meant to be imputed to the Prisoner, as overt-acts of compassing the king's death, and that it is not necessary to be disputed with.

I have said before, that in a case of high-treason, the evidence must not only be convincing, but it must be formal; and that the object, in the security of the person and government of the king, is the highest object that the law can look to.

Yet I must say at the same time, that the law for the security of the public, which is, in truth, involved in the person and government of the king, is inseparably united with it; the law has required that you should not have one witness only to prove the fact, if he was the most creditable witness in the world, but that that convincing fact, must be proved, at least, by two; or at least, one witness to prove one overt-act, and another witness to prove another overt-act of the same species.

I presume, on what I have stated, you may possibly reason thus, When this indictment charges, that these persons conspired the death of the King and to depose him; that they conspired to meet in a Convention, in defiance of the authority of Parliament; to subvert the rule and government of the King, against the will and in defiance of the Legislature; to dethrone a Monarch reigning in the hearts of the majority of the people; you will necessarily ask, by what process was this to be done? And when the indictment charges, that they made writings, and other instruments, to effect this purpose; you will necessarily ask, in what language could such incitements to such a momentous project be conveyed, and to whom it could be addressed? When it charges, that they deliberated with other traitors concerning the calling of it, you will ask, at what time, in what manner, and in what places, did they meet to accomplish such great deliberations?

You will ask, in what manner were they to bring together the subjects of the country, to send delegates, to assume sovereign power? The answer to all this, is a short one, that I think it will be proved to your satisfaction, that they meant, in the words of the act of parliament, to introduce that system of misery and anarchy which prevailed in France; it will be proved to your satisfaction, that they meant to introduce it by the same means, to proceed on the same principles, to the same end, and by the same acts, to execute the same purpose; to introduce it by clubs, that system which, till the experience of Europe saw what had passed in France, could hardly have been credited, and which those that had the rule of government there, in the last acts of its conspiracy, protested against; and this project might have been brought into France by a single individual; they protested against the existence of the clubs, as not possible to exist with the security of the country, if they acted on particular principles. And the same method was intended to introduce the same anarchy and confusion in this country; a country which, under the dispensation of Providence, is alike in its blessings, as its situation bids defiance to its enemies.

Until the administration of that constitution, and the principles
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on which it exists, were introduced into this country by some individuals, it would not have been in the heart of man to conceive, that a project so deeply combined and complicated, and carried almost into inconceivable extent, at the same time framed with so much political craft, that it could have existed in any country; or that it has existed in this country of Great-Britain, to the extent, you will be satisfied on the evidence, it has existed in this country.

But the law of England does not require that any such extensive cases as these should be proved before you; if you are satisfied that a step was taken to effect that attempt, it is enough.

It is not the extent in which the project has proceeded upon, it is not its ruinous consequences, it is not that the means were really as competent to the end proposed as those that thought they were, in the first moment in which the scheme was conceived, whether well-conceived or ill-conceived, furnished with means adequate or not adequate to the purpose, the law then steps in for the security of the King and the safety of the subject.

The project, as applied to the persons now accused, seems to me to be this:

The idea imported from France in the latter end of 1791 or 1792, the intent was to constitute in London, with affiliated societies in the country, clubs which were to govern in this country, on the principles of the French government; on the alleged, unalienable, and imprescriptible rights of man; deposing thereby the moment they came into execution, in the act of creating a sovereign power, the King; and introducing a republican government, with a right of eternal reform, therefore with a prospect of eternal revolutions.

We have all heard of the Club, called the Jacobin Club, at Paris; this, with the affiliated societies, had turned aside the old government in France and introduced another, which could not exist on the principles which gave it birth, and has finally left that country in that indescribable state of things in which we now see it.

The great end and purpose of the persons concerned in this project, though neither altogether visible, nor not much disclosed, on its formation was, when they had sufficient influence on this country, by artifices unknown, as combination, affiliation, and fraternization, to make one body; then these who framed the project were to assemble a Convention of delegates of these clubs, to assume the powers of the people, supported in the assumption and exercise of these powers by the individual members of the united societies, and by their combined strength.

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We have no occasion in this cause to be disputing on abstract questions, as to the power of the people to change their government ; I say, it was the intention of the delegates of these clubs to assume the power of the people ; and this was to have been effected, by calling a convention of delegates, who were to exercise the power which they professed to be inherent in them whom they represented.

It is not difficult to conceive, after what has happened in France, how it should happen that these fraternized societies, that the opinion of these fraternized societies should have the force of constituting the will of the majority of the people. You will find in the evidence to be laid before you, that it was perfectly understood how this was to be, by those named in this indictment, namely, from the great bulk of the community being engaged in different pursuits, and incapable of being combined.

I need not give you a stronger instance than that which happened in the year 1780, from a few thousands combining themselves to obtain a repeal of an Act which they considered as obnoxious. Is it possible, say you, for four or five thousand men to go to St. George's-fields, and to rob and plunder every man in the city of London, and for ten miles round, in consequence of such combination ? and yet the thing happened, because the combinations of a few will bear down against those that are not combined, and with great facility ; you will find them that are organized, prepared for emergencies and exigencies ; such relying on their own strength, who act on combined strength, and in some instances acting with a security calculated to elude observation. In many instances these societies directed contrary means to the same end, representing their numbers greater than they really were, without a possibility that this representation should be set right ; you will find them also inflaming the multitude under pretence of enlightening them, addressing themselves principally to those whose rights and interests are in the eye of the constitution of England as valuable as any, but whose education does not enable them to distinguish immediately between political truth and misrepresented truth held out to them, working up the passions of men whom providence hath placed in the lower but useful stations of life, against those who are in high respectable places, representing the great as their oppressors, their plunderers, as those they should not suffer to exist on the system of things existing in this country ; and in order to prevent the possibility of their correcting their judgment upon the views of the association, not admitting any into these affiliated societies, till they had subscribed to their plan, the principles of which they were not to know till they had been admitted.

Gentlemen, to say that an act done was not meant to be done, till the persons conceiving it think the scheme practicable, I allow is reasonable; but they may think it practicable before it really is so. Now you will be abundantly satisfied from the evidence, that this convention was convened when the conspirators thought *the time was now come*, that that time was now come, and if not then laid hold of, would be lost for ever. The people of this country have a rooted attachment to it's government, and the public opinion is in this country, as well as in every other, it's principal, and therefore it became necessary with such to frame an opinion that the form of the British government was oppressive, and not founded on the natural, unalienable, and imprescriptible rights of man; with others they found it necessary to use a little caution, not to alarm them by taking advantage of the well-meaning ignorant part of mankind, to enlist them also in the project of destroying that constitution; to them the form of government was not spoken of in terms which they might understand to be a condemnation of it, though they were really such; but making use of general expressions, and I will beg your attention to these, such as obtaining a full and free representation of the people in Parliament, and this sometimes without mention of Parliament, and never as King and Lords co-existing with them, terms the same in their expressions, certainly of the same import as those which were used in the time when we had neither King or Lords; sometimes declaring that we might exist without Lords or King, declaring for such a representation of the people as necessary for the natural, unalienable, and imprescriptible rights of man, as stated by Mr. Paine; and you will find, that the persons mentioned in this indictment had no doubt of accomplishing it.

I remark these circumstances to you, because in the evidence to be laid before you, and I am now speaking to you of the general character of the evidence, and not the principles on which the charge is made, in the evidence to be laid before you for the plan of the execution of this purpose, some very remarkable particulars will occur, and I humbly beg your attention to them. You will find the leading clubs, I mean the Constitutional Society and the Corresponding Society in London, which were formed, whether created I will not say, but which was modelled by some of the leading members of the Jacobin Society in France, as will be proved by their own hand-writing in the year 1792. You will find enlisting in their affiliation many societies in the country, composed of men who express their doubts to them, as wishing to know the views of these societies in London, required information into the purposes of these societies in London, some professing one principle, and some another, but all assistance is taken.

taken that is offered. Accordingly, you see that they might enlist all that came, to those who wrote to them that their sentiments were, that they ought to submit to no power but what they themselves had immediately constituted; to these they give answer in dark, cautious, and unintelligible terms, to those who had a proud attachment to the monarchy of the country, and expressed an apprehension for it in the conflicting principles in the various societies; they tell them that all these separations would be set right by a full and fair representation of the people in Parliament, (a name that was given to the Parliament under Cromwell) without telling them either what these words meant, or how that Parliament was to operate to reconcile these differences. They enlist again others, who express a wish to know whether they propose to have any House of Commons; or others who wish to know whether they intend to rip up monarchy by the roots, by answers calculated to satisfy them.

You will find again, that publications on the government which are alluded to in this indictment, and which will be given you in evidence, were admitted by these societies as their own, and circulated, if I may so express myself, in a mass round the country, in a manner that totally destroys the liberty of the press in this country, and for this reason, the liberty of the press never ought to be but under the due correction of the law; and it must always be for the security of the subject, that it should be under the due correction of the law. But you will find that these publications were either brought into the world with such a security as baffles all provisions made by the Legislature to prevent them, even in the dead of night, though they are the works of men who have talents to state them in open day, if they were fit to be stated in open day; and they also publish them in quantities, which make the applications of the law totally inadequate to make the punishment as great as the offence.

With respect to many of these publications, I may take notice from what may have happened in this country; though no man likes to talk less of himself than I do, yet I have been heard to say, both in Court and in Parliament, that certainly of some of these publications I have expressed a difficulty in my mind to conceive that such a publication was not High Treason. It did appear to me that a book, called the Address to the Addressers, the publishing of that was an overt act of High Treason, for deposing the King,—at least I thought it required an ingenuity and subtilty more than belonged to my mind to consider it otherwise; but there were others that saw it different to what I saw it, and therefore that book was treated only as a libel; but when I came to see it published, as connected with this project, which will be opened to you in this cause, I say it is a most dis-

tinguishing evidence of an overt act of High Treason, or it is an overt act of High Treason itself.

You will also not fail to observe the malignant wit, and if I may so express it, the industrious malignity with which discontent has been spread by these two societies in London; and the manner of spreading it, studiously and anxiously taught the manner of spreading sedition, fresh as from London, in every town, always with reference to the final accomplishment of the same purpose, and the passions of individuals assailed and taught to be assailed, not merely on government, but on various taxes, the game laws, the necessary establishment for the military and naval service of the country, &c. and with this intent, that society might overspread the whole surface of the island, and the island might become free by the same means by which France became so.

Stating to you the character of evidence, it is necessary for me to make one observation, and it is the last I shall trouble you with, with respect to the principles on which construction is to be given to the written evidence in this case that will be adduced to you. I desire to state this to your minds, as a principle perfectly reasonable in the administration in justice, to men who are called upon to prove the meaning of the language which they used; the meaning ought to be taken obviously, according to plain common sense. If the language admits of a double interpretation, it must then be construed according to the nature of the principles which that language is able to be construed in, and it must be construed with reference to the contents of all other papers that form evidence of the same system which the paper produced is meant to mean.

If you find the detailing the object of these societies, in detailing what they meant to do, in detailing how they meant to execute what they meant to do, they should state that they meant to do what was neither legal nor constitutional, it will be treason; it will be in vain that they have thought fit for their greater care and caution to express it otherwise.

You will have most abundant evidence that they meant to effect what they meant, not in a constitutional manner; and it will become those who take upon them their defence, to declare what in a legal and constitutional manner was intended to be done, after I have proved to your satisfaction that there was intended to be done, and intended to be done by the manner and instruments which the Indictment refers to.

Gentlemen of the Jury, the principle is, that equal active citizenship is the equal right of all, that on this principle a full representation is the right of all, and on which it requires no great penetration to discover, that such a representation must form a parliament, in which neither King nor Lords could enter; there

is an end of equal citizenship, if Kings or Lords make a part of it, they tell you this is a representative government. I shall satisfy you, that the publication of these principles of equal active citizenship, was to be established in the convention by an equal representative government, rejecting the King or Lords out of the system; these principles are the principles on which the constitution in France, in the year 1791, was formed, they were the principles of equal active citizenship, reserving the King in the Constitution, and forming a royal democracy.

Gentlemen, I shall prove to you by evidence, that these clubs in London knew that that constitution could not exist, and you will find on the transactions of these societies in October 1792, the clearest evidence what these societies meant in applying these principles, which they state themselves had destroyed the existence of a king in France. They acted with a full conviction that this must be the full effect of their own principles, and they acted with the full determination that it should be so.

Gentlemen, you will give me leave now to state to you, as well as I can, and as intelligibly as this mass of evidence will allow me to state, as the case I have now to state before you: the particular acts, the nature of which will be explained by all the rest of the evidence, which has led to the including of the several persons in this one indictment, arose out of a Letter, dated 27th of March, 1794, which was written by the prisoner at the bar, then the secretary to the London Corresponding Society; the words are these: "I am directed by the London Corresponding Society to transmit the following resolutions to the Society for Constitutional Information, and to request the sentiments of that Society, respecting the important measures which the present juncture of affairs seems to require; the London Corresponding Society conceive that the moment is arrived (mark the words, for in the rest I have to state, you will frequently hear of this moment) when a full and explicit declaration is necessary from all the friends of freedom, whether the late illegal and unheard-of prosecutions and sentences shall determine us to abandon our cause, or shall excite us to pursue a radical reform, with an ardour proportioned to the magnitude of the object, and with a zeal as distinguished on our parts as the treachery of others in the same glorious cause is notorious: the Society for Constitutional Information is therefore required to determine whether or no they will be ready, when called upon, to act in conjunction with this and other societies, to obtain a fair representation of the people, whether they concur with us in seeing the necessity of a speedy convention, for the purpose of obtaining, in a constitutional and legal method, (but the method will not be more legal because they call it so) a redress of those grievances under which we at present labour,

bour, and which can only and effectually be removed by a full and fair representation of the people of Great Britain; and then in the third resolution accompanying that letter, they say, that there ought to be immediately a convention of the people by delegates deputed from the different societies of the friends of freedom, assembled from various parts of the nation; (and what are the purposes they are to do? they are) to recall those wise and wholesome laws, that, (they say,) have been wrested from us. Before I have done, I shall prove to you what the meaning of this part is.

The Constitutional Society, there being present at that time six of the persons mentioned in this indictment, on a proposition so material as this, they immediately ordered that the secretary should acquaint the London Corresponding Society that they heartily concur in the object they have in view, and for that purpose.

Having stated to you this that happened on the 17th of March, 1794, and connected it with the various singular facts that happened in that year, you will give me leave to state to you what is the constructive nature of those acts from the various transactions of these societies, which I shall state to you from the beginning of January 1791.

The Attorney General here entered into the origin of the London Constitutional Society; that it was about the month of March 1791, that they were indebted to a gentleman of the name of Tooke, under whom the constitution was framed, and to a gentleman of the name of Vaughan, for the code of its laws, and this was proved by a letter, signed Thomas Hardy, secretary, in the hand-writing of Mr. Tooke, accompanied by a string of resolutions; Mr. Hardy, and not the London Corresponding Society, apologizing for the liberty and presumption he takes in sending them to the Constitutional Society, and it also appeared that these resolutions had been settled with a good deal of deliberation, by the same gentleman in whose hand-writing they are, namely, the prisoner's, which resolutions were adopted by the Constitutional Society as their own, on the 30th of March, 1791. (See Reports of the Secret Committee, printed for J. S. Jordan, 2d Report, page 72.)

He now stated that there had been such correspondences with the London Corresponding Society, with the Constitutional Society, that he should be able so to connect them, as to make it's acts their own. He then proceeded to speak to the doctrines laid down by Mr. Paine, of a perfect representation, that it clearly recommended a deposition of the King; it was a book that put a King out of the government; but a book that says, a perfect representation of the people is to be formed, it is not to be

be formed by Parliament, which that gentleman states is absolutely inadequate to the great constitution of the rights of man, and equal citizenship. It is a work that calls on the people of England to do themselves justice, and form a constitution for themselves, before they can have any government, which is to exist in the form of a legislature.

He next adverted to a resolution of the Constitutional Society, at a meeting, March 23, 1792, made at the time when some of it's members began to leave it, thinking the principles not such as are formerly set out upon. (See Jordan's Reports, 2d Report, page 71.) And it was a very remarkable thing, that the Sheffield and Norwich Societies were writing both the same day to the Constitutional Society, namely, on March 14, sixteen days before the thirtieth, when Mr. Hardy sent the resolutions to Mr. Tooke. The letter of the Sheffield Society, stating that they had taken the liberty to inclose a parcel to Mr. Hardy, in answer to a letter of his, by which he had informed them that there were in London a number of mechanics, shopkeepers, &c. forming themselves into a Society, on the broad basis of the rights of man, and desiring to know the manner of conducting this business at Sheffield; in answer to which, the Sheffield Society had given them their manner of proceeding, and hoped it might be of some use, as the improvement they were about to adopt was certainly the best for managing large bodies in great and populous towns, namely, dividing them into small bodies, or meetings of ten persons each, and these ten persons to appoint a delegate; ten of these delegates to form another meeting, and so on delegating from one to another, till at last they were reduced to a proper number for constituting the committee or grand council.

There is another letter of the same date which has this remarkable circumstance in it, that originally the word constitution was in it, and that is struck out, and the word country, in Mr. Tooke's hand writing, was substituted in it's place, as follows: "At the same time being sensible to a degree of certainty, the necessity of a radical reform of the *country* as soon as prudence and discretion will permit, and to establish it on that system which is consistent with the Rights of Man; for these reasons they request that certain members of their society may be admitted into the Constitutional Society, in order that the society at Sheffield may be strengthened, that is, the society may be able to govern itself with more propriety, and enabled to extend useful knowledge from town to village, and from village to town, until the whole nation be sufficiently enlightened and united in the same cause, which they say cannot fail to be the case, whenever the most excellent works of Mr. Thomas Paine find residence." Those works, which had held monarchy up as inconsistent

sistent with the Rights of Man, and the incompetency of parliament to frame a government.

This paper transmits an important fact; for though the Constitutional Society in London, and at Sheffield, seem not to have any connection till the 14th of March 1792, not but they might have been connected before, yet, from this 14th of March 1792, in consequence of introducing this system of extending useful knowledge from town to village, and from village to town, till the whole nation should be enlightened, when the number of the society were but two hundred, to the 13th of May 1793, they amounted to two thousand, exclusive of many that were in the villages; they declare that they have derived more true knowledge from the works of Mr. Thomas Paine, than from any other author or subject; that the practice, as well as the principles of government, is laid down in those works in a manner so clear and irresistibly convincing, that they had resolved to give him thanks for his two said publications, entitled Rights of Man, parts First and Second, combining principle with practice.

He then said, Gentlemen, I should go out of this court with grief, if I should state to you the doctrines of Mr. Paine otherwise than what I think of them; and that we may not misunderstand that principle and practice, you will allow me to read a few passages out of this second part of the Rights of Man, which says, it contains both the principles and practice of government, and then ask what these must have intended who meant to apply them to this country. You will recollect that the government of this country, is a government consisting in a King, having an hereditary crown, with the House of Lords and Commons, forming a parliament according to the constitution of England. That author, the subject of so much eulogium, in the first place expresses a great deal of what I cannot call good will to the people of England, for he says, that during the time of the American war, he was strongly impressed with the idea that if he could get over safe to England without being known, and remain in safety till he could get out a publication, he could open the eyes of the people of England with respect to the madness and stupidity of it's government. Having stated in his former book of the Rights of Man, that no good government could exist but on the Rights of Man, he states, that governments are hereditary either in whole or in part, (and with respect to this country, is vested in King, Lords, and Commons,) or entirely representative, or entirely in a commons house, a parliament if you choose so to call it. We know, in 1669, the ruling government was called a parliament, a commons house. Call it so. He then says, all hereditary government is in it's nature tyranny. An heritable crown or an heritable throne has no other significant

cant explanation, than that mankind are heritable property; to inherit a government is to inherit a people, as if they were flocks and herds. Hereditary succession is a burlesque upon monarchy, it puts it in the most ridiculous light. It requires some talents to be a common mechanic, but to be a king requires only the animal figure of man. This sort of superstition may last a few years more, but it cannot long resist the awakened reason and interest of man. In whatever part the separate parts of the constitution may be arranged, there is one system here laid down, that all hereditary government is slavery, and representative government freedom; then speaking of the Crown of England, that crown in which, according to the Law and Constitution of England, is vested the sovereignty; it signifies, says he, a nominal office of a million a year, (and give me leave here to observe, that this that has been so often detailed for the worst of purposes, cannot but be known to be a gross representation,) the business of which consists chiefly in receiving the money.

In another part of this book, p. 170, you will find Mr. Paine was very well aware that the principles laid down in the Constitution of France, which these two books were to recommend, and the principles laid down in Mr. Paine's book, were inconsistent with the practice of France at that present moment; it is there plain, from what is there said, that he foresaw that a representative government, founded on his principles with a king, could not exist.

These resolutions being received from Sheffield, a step is taken on it in the Constitutional Society, and which gives an authenticity to it is the book which I have now in my hand, and which is the minutes of the proceedings of that society; and it is remarkable, they are letters that are supposed to be received from Sheffield, they are referred in their letters to the books, and then, with a view of publication of them into the world, there is a resolution that this letter be published in the Morning Chronicle, World, Post, Times, Argus, English Chronicle, and General Evening papers. In this letter there is, first of all, in Mr. Tooke's hand writing, Society for Constitutional Information, 14th of March 1792; there is also Mr. Hardy's name, signed by Tooke; and then there is added, Ordered, that the secretary do return the thanks of this Society for Constitutional Information established at Sheffield; and that he expresses to them, with what friendship and affection this society embraces them as brothers and fellow labourers in the same cause, that he do assure them of our intire concurrence with their opinion, viz. that the people of this country are not, as Mr. Burke terms them, swine; but rational beings, better qualified to separate truth from error than himself, possessing more honestly and less craft.

N

" Resolved,

“ Resolved,

“ That this society will, on Friday next, March 31, ballot for the twelve associated members recommended by the Sheffield Committees, and approved at this meeting.”

Then this meeting is to be ordered for the primary purpose of recommending the Rights of Man, recommending that principle and practice which makes the Sheffield people fellow labourers with the Constitutional, the combining principle and practice, which is aimed for the destruction of monarchy in this country, and for the purpose of recommending that representative government.

He then observed, that this society having expressed an inclination that there should be some associated members in the Constitutional Society, a filiation began in that society: accordingly on the 21st of March, twelve persons were ballotted for as from the Sheffield Society, and became associated members of this society. On the 24th of March 1792, a paper appears to have been sent from the Constitutional Society, to a nest of societies established at Norwich, and it appears that the words, 24th of March 1792, are in the hand writing of Mr. Tooke; the letter informing them that their society consisted of some hundreds, and new societies were frequently forming, that their greatest care has been to preserve order and regularity, and to convince the world that riot and disorder were no part of their political creed; they believed that Mr. Burke had traduced the most greatest and most glorious revolution in the world; that their thanks were due to Mr. Paine, and more especially due for his first and second parts of the Rights of Man; and (say they) we sincerely wish that his labours (that is, the destruction of hereditary government and a limited monarchy) may be crowned with success in the general diffusion of liberty and happiness amongst mankind.

Another letter he adverted to from Norwich, which, though it was received on the 24th of March, was not read in the Constitutional Society till the 14th of May, wherein Mr. Paine's Rights of Man, and Mr. Barlow's book upon the Privileged Orders, are spoken of in high terms; Mr. Barlow's book being in the plainest language an advice to all people to get rid of kingly government; and how any man living could thank these people without informing them that they must be ignorant in the extreme, or something worse than ignorant in the extreme, is to me quite inexplicable. After stating the constitution of their society, the twelve names that are added are in the hand writing of Mr. Tooke.

Then this society returns thanks to Sheffield for it's communications, and resolves, that every individual has a right to share in the
government

government of that society of which he is a member, unless incapacitated, &c. And this that I have now read to you, I am very willing, if you please, that you should construe every word of it on this principle, that those that sent it to the Constitutional Society understood it to be consistent with the British government; and I claim no credit for the veracity that their conspiracy has existed, unless I shew you in the subsequent acts of these societies, that they meant by principle and practice, the direct opposite to the government of what is established here.

You will find there was a society in Southwark, and which, in a letter which I have to state to you, state there the admission of all Mr. Paine's principles. (See *Jordan's Second Report of the Commons*, p. 73.) The Society of Constitutional Information return their thanks for that also, and then the same persons say, in the same paper, we call upon our fellow citizens, of all descriptions, to institute similar societies for the same great purpose, (for the purpose of diffusing the idea of representative government,) and we recommend a general correspondence (but attached for ever to the Constitutional Society) with each other, and with the Society for Constitutional Information in London, as the best way of cementing the common union, and of directing, with greater energy, our united efforts to the same common object. What are the objects of these societies stated to be? What are they? If you find the object of the Constitutional Society, you find the object of this society, as well as of the London Corresponding Society.

This London Constitutional Society, they resolve, that every society desiring an union or correspondence with this, and which doth not profess any principles destructive to truth or justice, or subversive to the liberties of our country, but which, on the contrary, seeks, as we do, the removal of corruption from the legislature, and abuses from the government, ought to be, and I hope will be, embraced with the most brotherly affection and patriotic friendship with this society. Now observe on this, that all this language is perfectly consistent with this principle on the minds of those who write, and they do not venture to explain it, that the principles that were productive of truth and justice, were all principles that were in competition to the principles of Mr. Paine, and all practice likewise.

I now come to state a circumstance or two, which leads me to state, what will be stated in the organization of the Corresponding Society; the French clubs gained the ascendancy over the country, being at first a very small body of men, and when they became large, subdividing themselves, as was the nature of these societies, from town to village, and from village to town, and hamlet

to hamlet, and all, as they express it, until there was not an unenlightened man in the country.

Then, according to the written evidence, it appears that a gentleman, of the name of Felix Vaughan, he having been deputed by this society on the 30th of April, was appointed to form a constitutional code of laws for the London Corresponding Society, in which there was the following regulation, namely, that every person, before he was admitted, should answer in effect to the three following questions :

1. Are you convinced that the Parliamentary representation of the people is at present imperfect ?

2. Does the welfare of the kingdom require that there should be a reform ?

3. Will you endeavour, by all justifiable means, to promote such reformation in Parliament ?

And then they form a purse, they frame a committee of delegates, &c. and this constitution having been formed, they publish it in the month of May, and what observations they state to the public on it, I shall have occasion to state to you presently.

The society for constitutional information having affiliated these societies very suddenly with themselves, whether Mr. Paine remained in this country, or not, I cannot tell ; but they found an inclination to affiliate itself with a society, calling itself the Friends of the People, meeting in Freemason's Tavern ; but it is a most important fact, that on the first attempt the Constitutional Society made to affiliate with them, and it ought to be said in justice to them, they rejected it. (See *Jordan's Second Report of the Commons*, page 119.)

He then proceeded to mention, though it was a little out of date, that this society at Sheffield, who had connected itself by affiliation with the Society for Constitutional Information, and the London Corresponding Society, had received intelligence about the 24th of May, what their object was, and the attention which the society of the Friends of the People meant to pay to the constitution ; and then, (says he,) doubt if you can what the Constitutional Society understood to be the object of the Sheffield Society, and the Sheffield Society understood to be the object of the Constitutional Society : for the Sheffield people disavow the Friends of the People, because they meant to keep to the forms of the constitution, as you will find in a letter written by the Sheffield Society on the 26th of May, 1792, to the Constitutional Society.

Having stated to you now what it was that the Friends of the People discovered to be the object of the Constitutional Society, and agreeing with me that their discovery on that subject was accurate and right, we will go back again, and proceed in order of time to the 7th of April, at which time Mr. Hardy sent from the
London

London Corresponding Society, a copy of their resolutions, to the Society for Constitutional Information that was established at Manchester, and desired also to have correspondence with them, as they were all engaged in the common cause, that society also hoping that the other great benefits that Mr. Paine had stated, would be carried into effect.

Then there is another letter of Mr. Vaughan's, desiring of Mr. Hardy his assistance in the important work. On the 18th of April, 1792, in furtherance of this plan, we find Mr. Hardy writes a letter to the President of the Society in the Borough, that is, the society that had so distinctly stated their principles, leading to a representative government, as the only security for the liberty of the country. He writes, I should be very happy to enter into a correspondence with your society, as we are all engaged in the same cause, namely, to have the rights of man re-established, especially in this nation.

There is another letter to this society, from a person of the name of Favell, who is chairman of the Friends of the People, in Surrey; he states himself thus: We cordially unite with you, and all similar societies in the kingdom; we shall transmit you a copy of our declaration, and hope for your further correspondence.

On the 26th of this same month of April, it appears that there were some resolutions come to by the delegates of the united societies of Norwich, and this distinctly states that Mr. Paine's books were the means by which prejudices grown up in favour of the British government, were to be got rid of; at the same time desiring twelve men to be affiliated with the London Constitutional Society.

On the 11th of May, 1792, the Constitutional Society resolve that there should be a communication of that society with the society of the friends of the constitution at Paris, known by the name of the Jacobines, and they send them an address. (See *Jordan's Second Report of the Commons*, page 78.) This address was signed by the Chairman of the Constitutional Society, and transmitted to Watt at Paris, by Mr. Tooke.

He then adverted to the dangerous doctrines held forth by Mr. Paine in his first and second parts of the Rights of Man, and particularly in the book entitled the Address to the Addressers; Mr. Paine having gone the length of asserting therein the incompetency of government to reform itself; and having asserted that a representation of the people must do this work in convention, it was impossible not to apply to the country against the attacks that were made on government by that person, and it became necessary to ask a Jury whether this doctrine was to be tolerated? The consequence was, that these societies immediately enter into subscrip-

subscriptions for the support of Mr. Paine in the prosecution, and they considered themselves as supporting the rights of the nation, in publishing his works, because the works were calculated to produce those effects, without which the nation, according to their opinion, could not exist in a state of freedom as a nation; and this becoming more visible that they wanted to raise the democratic part of the country, many of their members cannot stay among them, and they do not in the least attempt to explain their meaning: they say not, you are mistaken in our project; no; but they leave the society with the remaining members, to execute the purpose which they are engaged in. Having come to these resolutions, in order to support Mr. Paine in this prosecution, they publish these resolutions in various newspapers, the editors of these newspapers insuring themselves against the hazards of the law, some for more, and some for less. And then these publications are sent into the country, in various places, in hundreds and thousands, to persons to distribute to persons of all professions, to the utter defeat of the impossibility effectually to restrain the mischief, for the very purpose of having that effect of making the law of the country unequal to the mischief which it was intended to make.

Another step was taken at the same time, namely, a proclamation, which was issued by the executive government of the country, in order to restrain these seditious publications. And in both these societies you will find them cloaking themselves under the words of a full, fair, and free representation of the people, which never co-exists in any writings of their's, with the mentioning of the King, or the other house of the Legislature; they vilify that proclamation, and they make it the very means by which they shall spread the mischief more rapidly than they otherwise could have done.

On the 24th of May, 1792, there is a letter sent from Mr. Hardy; I believe it is not in his own hand-writing, but in the hand-writing of Mr. Vaughan; in which he states, that by the direction of the London Corresponding Society, he had the honour of inclosing to them the copy of their Address and Regulations, which he requested might be communicated to the Constitutional Society. The thanks of the society was given them for this.

The London Corresponding Society followed the example of the Constitutional Society, in vilifying the proclamation in a paper, which was read, this paper having been communicated by the London Corresponding Society, at a meeting held July 6, 1792. (See *Jordan's Second Report of the Commons*, page 83.)

On the 14th of June, 1792, a letter is received by them from certain persons, signing themselves the Editors of the Patriot, (see

(see *Jordan's Second Report of the Commons*, page 87 to 91,) signed by Mr. Gale.

On the 6th of June, 1792, they resolve that twelve thousand of Mr. Paine's Letters to Mr. Secretary Dundas be printed by this society, for the purpose of being transmitted to our correspondents throughout Great Britain, and that a committee be appointed to direct the same.

The Attorney General now passed on to the 6th of August, 1792, at which time there appeared to him to have been a most important transaction pass in the London Corresponding Society; it is an Address, which develops their plan to bring about a Reform, without any communication with that parliament, which they considered as inadequate to the work; in which the letter and address, stating what they consider as the grievances in the country, states, that such being the forlorn situation of three-fourths of the country, how are Britons to obtain redress? will the court, the ministry, the parliament grant it? will the nobles or clergy hear the people? No; experience tells us, and proclamations confirm it, they will not.—Therefore, Britons, friends, and fellow-citizens, with one heart unite, claim what is your right.

This address was circulated with infinite industry to every corresponding society in the kingdom, conveyed through every possible channel, and the doctrine adopted by all the affiliating societies; and the plan on which they went upon from the 6th of August, appears to be a plan to redress themselves by their own power, to redress themselves by their own strength, and not by the parliament.

He observed, that it seemed to him it was impossible to mistake what is meant by these papers. I beg you will give your particular attention to a paper found on Mr. Hardy, dated Sept. 2, 1792, received from Stockport on the 17th.

Copy of a Letter from Stockport, to the Secretary of the London Corresponding Society, received Sept. 17, 1792.

DEAR SIR,

In obedience to the wishes of the society here, I have the pleasure of acknowledging the honour of your letter, and the packet which the kindness of our brothers of the London Corresponding Society so opportunely presented us with.

It is doubly deserving our thanks, as it shews your kindness, and as it will be useful in the information of our infant society: we stand much in need of your experience in this particular, and we doubt not of your best assistance. We are surrounded by a majority, a formidable one indeed, in power, abilities, and numbers, but we are not dismayed.

We

We have carefully perused the addresses, and I am to observe on their contents in general, that the sentiments *hardly rise to that height which we expect from men sensible of their full claims to absolute and uncontrollable liberty, i. e. unaccountable to any power which they have not immediately constituted and appointed.*

These are our sentiments, whatever may be yours, though in the present state of political knowledge it *may be prudent not to avow them openly.* We desire your sentiments on the means of accomplishing that object which we presume you have in common with us. We think it expedient that we should perfectly understand each other in the beginning, lest the appearance of disunion might furnish matter of triumph to our enemies. We observe one expression, which says, "Numerous other reforms would undoubtedly take place, &c. &c." But we ask, how is that parliament to be chosen? Can we expect it from the present order of things? *Would not all the evil be done away at once by the people assembled in convention?* Does it appear probable, that the odious laws which we complain of will be abolished any other way? Can the grievance arising from aristocracy be redressed, while the ——— (Blank, and whether it is to be filled up with the House of Lords, or King, it is for you to judge,) retains its present authority in the legislature? Is the universal right of conscience ever to be attained, while the B ——— maintain their seats on the ———.

Your thoughts on these important points we most earnestly desire may be transmitted to us as soon as possible; not directed as the last; we fear it will excite suspicion. Direct to Mr. ———, Stockport, who is chairman occasionally in the absence of ———, who resides too far from hence to be at hand on emergencies.

Your's, &c.

THOMAS HARDY.

Here the Stockport Society say, that they think that the sentiments of the Addresses of the London Corresponding Society hardly amount to their expectations; and they say, we presume your sentiments on the means of accomplishing that object, are in common with us. To accomplish what object? The object of putting themselves under no power which they had not immediately appointed. Was it to be done by Parliament? No; the Address of the 6th of August had disavowed it: it is not to be done while the other parts of the Legislature hold their parts in the Legislature. Now, when these people thus write, we presume that you mean to pursue the same means in accomplishing that object, which it may not be prudent to avow openly. Does
* the

the Corresponding-Society say in their answer, tell us what you mean by that object, as they would have done if they had meant to disavow that they had no such object? If they do not, the answer is distinctly this, that if it is to be accomplished in a full, fair, and free representation of the people; a full and fair representation was to be the method or immediate means that was to effect what they were seeking after; that was to be as the medium to answer all their designs. Then follows the answer in a letter signed by Margarot, dated the 11th of October, *to the Friends of Universal Peace and of the Rights of Man-Society at Stockport.*

"With infinite satisfaction the London Corresponding-Society Committee perused your letter: they are happy to learn your steady determination, spite of all obstacles, to pursue that sole means of political felicity, a perfect representation of the people.

"With regard to our publications, our sentiments are expressed *in as strong terms as prudence will permit, yet plain enough we imagine* to convince the public that while we expect every thing from an honest and an annual parliament, nothing short of such a senate, chosen by the whole nation, will satisfy us.

"True generosity, the characteristic of this nation, and of all unperverted men throughout the globe, calling upon us to countenance, at this juncture, the arduous struggle of the French nation *against despotism and aristocracy*, those foes to the human race, we have resolved upon addressing the French National Convention.

(This was on the 11th of October 1792; and the King of France was deposed on the 10th of August 1792. These transactions appear peculiarly worthy notice.)

"Now, without entering into the probable effects of such a measure, effects which your Society will not fail to discover, we invite you to join us; and to that end herewith you have a copy of our intended address; if you approve the idea, and will concur in sending it, be pleased to return us without delay a copy, signed by your president and secretary, or by the delegates, stating each for how many persons he signs, we will then associate your body with ours, and with some others who have already assented to the measure. If, on the contrary, you disapprove that mark of zeal *towards the only nation that has hitherto undertaken to restore to mankind its just rights*, please to communicate to us your objections.

"Sir,

"For the Committee of Delegates,

"Yours, &c.

"M. M. CH."

Now,

Now, on the 6th of October 1792, that Mr Barlow, whose name occurs before with respect to his publications, he writes a letter and sends it to the London Corresponding-Society, together with a book, called "Advice to the National Convention of France:" he writes a similar letter to the Constitutional-Society; and you will please to observe, that he was sent as one of the delegates of the Society to Paris. Mr. Barlow says in that letter, I have lately published a small treatise, addressed to the National Convention of France, on the defects of the constitution of 1791, and of the amendments that ought to be applied.

He then observed, that although the contents of his treatise was more particularly applicable to the French government, yet he would beg leave to state what was the doctrine in this book for which the Society for Constitutional Information (Mr. Hardy then a member of it) made him their thanks: that doctrine amounts to this, Mr. Barlow, after stating that these principles of equal active citizenship, which had found its way into the constitution of France in 1791, and which had left a King as a part of the system of that government, were not compatible; he informs them that the glorious victory of the 10th of August, had accomplished finally the effect of those principles which he understood to be the principles of those to whom he was writing, asserting that it was impossible upon those principles, that a King could be retained in that system of government; because, according to such a system the constitution was at variance with itself, conceiving that those that had made the Revolution in 1791, had not discovered that defect; or on the other hand, if they had discovered it, they thought the moment had not arrived when they would reduce it to a pure representative government; and also asserting, that the maxim of government, that a King can do no wrong, ought to be, that a king can do no good; and until they excluded out of their system of government, a King, they would not be in any rational form of government. This is the gentleman that is voted by the Constitutional Information, an honorary member of the Society, and afterwards sent to Paris with the addresses I am now about to state to you, of those addresses I shall state to you but two of them. These addresses had been sent up and down through the country to the affiliated Societies for addresses from them to express the same principles to France, not on account of the cause of France, but an account of the cause of England, with a view of bringing the same effect into England as in that of France.

The London Corresponding-Society first of all communicated to the Constitutional-Society, in the month of October, their intention of sending an address to France; the Constitutional-Society fully approved of the purpose, saw the end it aimed at, and

and they determined not to concur in the same address, but to send a separate address; and in these papers you will see the principles that were expressed to the Convention concerning the King and government of the country, and for rearing a Republic.

The address of the London Corresponding-Society is to this effect (*See JORDAN'S Second Report of the Commons, p. 85*).

This was followed by another from the Society for Constitutional Information, which seems to state their principles more clearly (*See JORDAN'S Second Report of the Commons, p. 91*). They rejoice that the glorious victory of the 10th of August, has finally prepared the way for a constitution established on the basis of reason and nature. Mr. Barlow had said, and they adopted their address in his language, that there was no constitution could be formed, on the basis of liberty and nature, on the principle of the Revolution of 1791, with a King at their head.

It will not be matter of surprise to you that a letter such as this to the National Convention of France, should have produced opinions consonant thereto.

It is not very extraordinary that that infamous decree of fraternization was made in France, whereby they rejected privileged orders of all casts. But I think you will be surprised that any man could receive such a letter as Mr. Barlow's in this country, and read, in approbation, the answer of this address to France, and which was read in the presence of the prisoner, without taking some means to shew that he rejected all that that answer meant to say.

On the 21st of December 1792, or rather, I should say, on the 14th of December 1792, a letter is received by the Society for Constitutional Information from the Society of Friends and Equality, sitting at Laon, capital of the department de l'Aisne, wherein is expressed, that when they acknowledge no rights, but the Rights of Man, then France and England shall form together a treaty of union as lasting as the course of the Seine and the Thames, then there, as here, shall exist no other reign but that of Liberty, Equality, and Friendship; and conclude, may this day rise on the horizon of the two nations.

Accordingly then, we find this Society of the Friends of Liberty established at Laon, as adverting to what had been said in the address of the Constitutional-Society to the National Convention on the 10th of August: saying, "Yes, also, brethren and friends, the 10th of August shall be distinguished in the annals of the world, as the day of the triumph of Liberty, &c." On the 17th of December 1792, they received another letter from a Society in Macon in the department of

the Saone and Loire, in which they are exhorted to live free or die: they say, "Will that bold nation, that has produced philosophers, remain a partial spectator in the noble cause: You will soon lift up yourself against the perfidious court of St. James's; your love for liberty has fixed your attention on their acts. The Popular Societies of France regard the epoch that shall permit them to prepare their addresses to the National Assembly of Great-Britain, and to offer to the soldiers of your nation, arms, bayonets, and pikes." Some persons, connected with these in this indictment, were at the bar of the National Convention of France; others of them delivering these sentiments by their ambassadors, Mr. Barlow, whose principles you have seen, and Mr. Frost, who has been convicted in this country, coming from that, with the doctrine of, No King. They offered this address to the National Convention of France, the substance of which I will state to you in terms which I believe is an accurate translation.

Gentlemen, Mr. Barlow and Mr. Frost, two English citizens, being admitted to the bar, one of them pronounced the address dated Nov. 28, 1792, and observe, it was after the National Assembly had promised fraternal assistance to the subjects of any country that found themselves willing to cast off all kingly government: They say, "We are to congratulate you on the triumphs of Liberty. Before the epoch of the French Revolution, this Society (that is, the Constitutional-Society in London) employed itself too long with little hopes of success, judge then of the transports of our gratitude, &c. innumerable societies of the same sort are forming themselves, at this moment, in every part of England; the minds of all receive, in this occurrence, a general impression, which leads them to find out the abuses of government, and to seek the remedy, means as simple as the evils are infinite, &c. Reason is about to make a rapid progress, &c." Am I to be told then, that in the month of Nov. 1792, these men meant no more than a reform in the Commons House of Parliament, them that said in August 1792, they could not apply to Parliament; it is impossible, after this, to put such a construction on their actions.

You will likewise find, that the President of the Convention thought it necessary to give an answer; the President, addressing them as Generous Republicans, and well he might; he concludes his address in much the same sentiment as they concluded theirs; in hoping the time shortly to commence, when the French should send their congratulations to a National Assembly of England.

You will likewise find, that the London Corresponding-Society, and the London Constitutional-Society, endeavoured to excite

excite persons, in all parts of England, to send addressees, and the intent of them cannot possibly be misunderstood; but take the intent what you will, and say there was as yet no war between England and France, yet it is manifest, there was an intent that there should be a National Convention in England, and, especially, when they say, that the soldiers of their Liberty would assist the soldiers of our Liberty, whether there was war or no. And, in that month of November 1792, a passage occurs in the history of nations, in which France declares war against all the world that did not adopt her principles and venture to put them in execution.

I shall now, undoubtedly, insist before you and the court, that the act of any individuals of any society, and particularly the act of sending addressees to a foreign country, and also that the letters which persons write, relative to the same address, are evidence against each of them, whether written by the particular individual or no.

You will allow me now to state, that on the 20th of September 1792, Mr. Frost, who was then at Paris, states his notions of the real effect of these transactions; about which time, also, Mr. Paine made his first appearance in the National Convention.

He then observed, that there was a project to buy shoes for the soldiers of France, as well as arms and muskets; with which project the prisoner at the bar was contributing; concerning which Mr. Tooke gets a letter wrote to Petion the mayor of Paris, informing him that they had made a present of some money for the use of the French, and requesting to know the name of some Frenchman in London with whom it might be intrusted.

This was answered by Petion on the 9th of October, when he told them they could have no doubt of his intention to second views so beneficial to England and France: that they had the glorious distinction of deserving the hatred of their government, concluding with, worthy fellow-citizens, honoured by the sentiments which you express for us, receive the assurance of my gratitude, your fellow-citizen, Petion.

It may be in the recollection of most who now hear me, that circumstances of this sort, which were supposed to be in existence, had excited in this country a considerable alarm in the minds of many persons, which alarm, it seems to have been thought necessary both in the Constitutional-Society, and also in the Corresponding-Society, to be laid asleep. They thought it called on them to give some explanation of their principles. The explanation which the London Corresponding-Society gave, was, though it was given for the purpose of laying aside that alarm, yet it will be proved to you, being written by Mr.

Vaughan;

Vaughan; and at a meeting held it was agreed to be stuck up about the town at midnight, by a person of the name of Carter, but there was some mistake in the orders given him by his employer, he went to stick them up in the morning, and the person was taken up in the act of sticking the bills: he was prosecuted, convicted, and lay six months in gaol in consequence of that conviction; and this was the fate of issuing an address that was not to appear by day-light into the world, but by midnight. With respect to the address, I say this, if I had not read already to you what I have read, you would have found it impossible to say what they meant that published it; but after reading what I have read to you, you can have no difficulty in saying, that the paper that they published, was by no means such as was calculated in any manner to disavow those principles which I have shewn you satisfactorily were their avowed principles ever since March 1792: they express in the language of it, as if it was supposed they used the words, no King, no parliament. Whoever says they have ascribed to us the expressions, no King, no parliament, or any design of invading the property of other men, is guilty of an impudent and malicious falsehood. Then this letter concludes thus, let us wait and watch the ensuing session of parliament, from whom we have much to hope, but little to fear. The House of Commons may have been the source of our calamities; it may be the foundation of our happiness; *should it not, we trust we shall prove ourselves unworthy of our forefathers.* Now, I ask you, after concluding this letter thus, what this means? If parliament will not do it, why, if we are ready to admit that parliament is formed on principles to do the thing it wills, it is all well; but if it will not, we will not prove ourselves unworthy of our forefathers.

In referring back to the declaration of the 6th of August, 1792, which said, that they had nothing to look for from parliament, it corroborates the language that they used to the National Convention of France, the conduct which in their delegates was never repudiated by any act in the London Corresponding-Society.

In referring moreover to the subsequent evidence that I have to offer to you, you will find that the sentiment expressed by this Society in August 1792, was a sentiment which, if followed up by those that acknowledge to hold it, to this effect, that if parliament did not give them this redress, they would have it by their own force.

With respect to the Constitutional-Society, the professed object of this Society has been to promote the welfare of the people by all constitutional means, (but will it make the means more constitutional than they really are, because they choose to call them so) and to expose the abuses which have imperceptibly crept into

the government, by all peaceable means: but you will find from the proceedings of April 1794, that if they could not do it by peaceable means, they meant to do it by force.

About the same time there was an address from Manchester, dated Dec. 14, 1792, which appears to have been read in the Constitutional-Society in the presence of the prisoner, and which address has some very peculiar circumstances about it; for you will find that there was a resolution on the 14th of December in these words, Resolved, that the said address be published in the newspapers. Now, it appears that these words are in the hand-writing of Mr. Tooke, and the address itself in the hand-writing of Mr. Tooke; and this address appears afterwards to be in print—it is sent for publication, and with a view to shew what the distribution of libels has extended to, in producing the treasonable purposes in this country: we find that there was ordered 100,000 copies to be distributed in Great-Britain and Ireland.

On the 21st of December, the report was, that the Secretary had offered the address that was sent from Manchester, and ordered to be sent to the offices of the Morning-Chronicle and Morning-Post; and that they had refused to print them.

Now, in this address, which bears date the 14th of December 1792, and which was read in this meeting; and recollecting what I have stated, of the principles of those who were concerned in this transaction, as this principle had been manifested in all their other transactions which I have stated, you will find there is these passages, “that they bear with patience the hourly calumnies to which they are exposed. They entertain no personal enmity, no aversion but to the enemies of the people, no disrespect to the constitution, but what is hostile to the rights of the people.”

But, this is more distinctly stated in a letter to the editor of the Patriot, a Sheffield newspaper, which was likewise read, and entered among the minutes of this Society; and which it will appear were concerted and affiliated with the London Corresponding-Society, and also with the Constitutional-Society in the propagation of the principle of their clubs in an extent that no language can do justice to, and which it is impossible to describe without reading the letters themselves. (*See JORDAN'S Second Report of the Commons, p. 87.*)

Mr. Attorney-General went on to observe, I have now gone through as well as I am able, and I hope sufficient to give you a clew to the case that I have to state, in respect to the principles and practice of these Societies with all their filiations, and ought to mention to you that you will find in the evidence that is to be laid before you most uncommon industry in picking up fresh connections. If a paper appeared in the country, stating, that a Society of any sort were formed, you will find amazing industry in connecting

meeting and affiliating them with the London Corresponding and Constitutional Societies; if these Societies profess that they will have nothing but a government of themselves, they contrive to give them an answer agreeably, if they desire to keep monarchy, whether upon Mr. Pitt's plan, or the Duke of Richmond's plan, or to cut up monarchy by the roots: they answer them sufficient to enlist them all in their transactions, to combine the principles which they state, with the practice which was correspondent with those principles; to apply those practices, which were like the principles of these Societies in March 1791, and the same that Mr. Paine and Mr. Barlow had inculcated, and to do which the present government must be changed in order that the limited monarchy may be destroyed; under which I state in defiance of the world, we enjoy as solid blessings that a people ever did enjoy, ever since the providence of God made a people. They never did enjoy such a quantity of private happiness and private prosperity, public happiness and public prosperity, as we have enjoyed. What has been done to accomplish the destruction of which, you shall judge from what now will be stated to you:

After the 10th of August 1792, the next thing that was to be done was, by going on strengthening themselves by affiliation; and you find they have connections at Norwich, Sheffield, Leeds, &c. and if you believe them their numbers were very great. The next step was not with a view that it might be accomplished, but for the purpose of attracting more affiliating Societies that they began now to think in the year 1793, of making applications to parliament; and in the course of that year, while they are so making applications, you will find they openly discuss the use of so doing; they take the opinion of the Societies in the country, with respect to three distinct propositions, namely, whether they shall address the King, the parliament, or call a Convention.

In September 1792, the Stockport Society told the London Constitutional Society, that there was no hopes of doing any thing but by a Convention; they begin to think of this thing, called a Convention, in the year 1793, and they propose three propositions: Are we to make an application to Parliament? Are we to make an application to the King (that is, to make an application that he would be graciously pleased, according to the oath that he takes at his coronation, to give his consent to destroy the Constitution, and himself as a part of it)? Or, are we to have a Convention? You will find, when the whole of the evidence is laid before you, that there is a vast deal said about the matter of this Convention and applying to Parliament; the application to the King was given up, because it was thought futile; but they come finally to this determination, that things are not yet ripe, but that the application may be one means of ripening that that is not quite mature.

Then

Then they set about procuring petitions, which they solicit from all parts of the kingdom, telling those whom they ask at the same time, that it is all waste paper, and they do not mean it should have any effect. They send a petition to Parliament, which, for the good of themselves and posterity, I thank God, Parliament did not attend to; I mean so as to make a change in the government, on the principles of universal suffrage and annual representation, which would necessarily have destroyed the existence of that government to which it was presented; but they judge it will occasion a great debate, and if the public mind was not ripe for the Convention, in 1793, yet these proceedings and transactions had a natural and obvious tendency to bring to maturity the project not yet ripe.

You will find therefore, that both the London Corresponding Society and the Society for Constitutional Information, kept this subject in view.

A letter from the Norwich Society, on the 5th of March 1793, to the Society for Constitutional Information, and whom you will see had corresponded also with the London Corresponding-Society, on the subject of the said proposition, states itself thus:

" United Political Societies of Norwich, 5th March 1793.

" GENTLEMEN,

" It is with peculiar satisfaction we are favoured with your correspondence, not merely because you are so, although you are better fitted to diffuse knowledge, but because you are embarked in the same magnanimous cause, which demands with alacrity the attention of every individual, and it is with the utmost regret we see so many, either from ignorance or something worse, who are inimical to their own interest; for nothing contributes so much to support the oppressor as the ignorance of the oppressed, for which purpose the flood-gates have been opened gradually, till by degrees the streams of corruption have nearly overflowed the land, such as bounty acts, borrowing qualification and septennial acts, besides standing armies, excise and tything laws, with various others too painful for reflection, without credit to the framers thereof, and with advantage to society. We do not presume to recapitulate these abuses for your information, but, being too experimentally acquainted with them, we wish to find out a method of redress. At present we see a great propriety in universal suffrage and annual elections, but we beg you will be obliging enough to inform us of what you have collected of the sense of the people by your correspondents. We have to inform you, that our worthy Corresponding Societies of London have recently submitted three propositions

positions for your investigation: First, Whether a petition to Parliament, or an address to the King, or a Convention."

(And when it mentions the word Convention, after what past in 1792, when the London Corresponding-Society declared that they did not expect any redress from Parliament, it seems to me to be marvellous, that in March 1793, they were to have a Convention to go to Parliament, which on their own principles was not competent to give it if they had a mind to take it from them).

"Permit us briefly to state our views for your revival; and with respect to the first, we behold, *we are a conquered people*; we have tamely submitted to the galling yoke, and resistance in the present circumstances is vain; we cannot, we cannot act the man, and, as necessity has no law, we think ourselves under *that degrading necessity to state our grievances to the House of Commons, with a request for redress, and should they refuse to grant our reasonable petition, we have still got (no thanks to them) a formidable engine, that will convey the insult to the remotest parts of the kingdom.* As to the propriety of the second, we wish to submit to your superiour judgment, and should esteem it a favour to be informed of the result, for at present we are *dubious of its good consequences.* Lastly, a Convention, and oh! *that the period were arrived*; but, in the present state of affairs, alas! it is impracticable! *yet this is the object we pursue, and esteem any other means only in subordination to, and as having a tendency to accomplish that desirable end.*

"We wish to be in unison with our brethren and fellow-labourers, and should be glad of any information as soon as it is convenient, and we beg your advice, whether it is necessary, as soon as possible, to *collect signatures to a petition for a real representation of the people, and by whom to present it; whether Mr. Coke, Mr. Burch, or any of the friends of the people; and whether it is attended with any expence.—Our members are both inimical to the business.*

"We can give you an accurate statement of the representation in our neighbourhood, only observe it is equally farcical here as elsewhere. To conclude with united thanks for all favours received, wishing you (*torn off*) and success, and may heaven avert (*torn off*). We subscribe ourselves, gentlemen, your

Obliged humble servant,

(Signed) J. BROUGHTON.

Note. Please to direct to J. Broughton, St. Mary's Church, Mr. Blake being no longer our secretary.—We have between thirty and forty separate societies in Norwich, besides many in the country villages."

You

You will observe this letter of the 5th of March 1793, having been received from Norwich; Mr. Frost, who had then lately come from France, and was about that time convicted for the doctrine of *No Kings*; which, in this country, it is not yet quite lawful to say, Mr. Frost was ordered to draw up and prepare to this letter an answer. However, it got into nobler hands, it was settled by Council, and the substance I will now read to you. It is dated on the 16th of April 1793; it is a letter from the secretary of the Society for Constitutional Information, with information to the Societies at Norwich. They say therein, "that the Constitution of England has no more of that character it once possessed; that the supposed democracy of the country has become a matter of property and privilege; and, that we have no longer that mixt government, which our adversaries are praising, when they know it is no longer in our possession, are facts notorious and indisputable. Where then are we to look for the remedy?" (Most surely those that would not look in August 1792, will not look to it in April 1793) to that Parliament of which we complain, to the Executive Power which is implicitly obeyed, if not anticipated, in that Parliament; or to ourselves (who are ourselves, but these affiliated Societies) represented in some meeting of delegates for the extensive purpose of reform, which we suppose you understand by the word Convention. Then the Norwich Society writes to the Constitutional Society, and it proposes a Convention, as the only means of doing this business; and the Constitutional Society states, that it is only to be done in a convention of themselves, represented in some meeting of delegates, for the extensive purpose of reform, and not by applying to Parliament. Now this passage states expressly, that the reason why they were to have a Convention was because they were not to apply to Parliament. But I cannot impute to men of understanding such an absurdity as to believe, that they meant to form a Convention, merely to suppose it was to carry a petition to Parliament, for the sake of a reform only in the House of Commons. No, they say, "It is the end of each of these propositions that we ought to look to; and as success in a good cause must be the effect of perseverance, and the rising reason of the time, let us determine with coolness, but let us persevere with decision; as to a Convention, we regard it as a plan the most desirable and most practicable, so soon as the great body of the people shall be courageous and virtuous enough to join us in the attempt." (You will see whether I give it the proper emphasis.)

Give me leave to carry back your attention to the 25th of January 1793.

This society, that had the correspondence with France in November 1792, and in February 1793, just immediately after the decree of fraternization, whereby the National Convention

resolved to assist any people who wanted to get rid of their governments, and which was held as the cause of war in this country, you will find at that period that Citizen St. Andre, a member of the National Convention in France, that had deposed their King, that could not exist on a government formed on the rights of man; he was admitted into the Society for Constitutional Information, as an honorary member, together with Citizens Barrere and Roland, being considered by them as some of the most judicious and enlightened friends of human liberty, and resolve (I particularly request your attention to this) that the speeches of Citizen St. Andre and Citizen Barrere, associated honorary members of this Society, as given in the Gazette National ou Moniteur Universelle of Paris, on the 4th, 6th, and 7th of January, be inserted in the books of this Society. And as far as this Society could effect it, they endeavoured also to have a publication of it in the newspapers; and it will be proved to you, that one of the persons named in the indictment undertook to get the speech, and to enter them in the books of the society; and I shall prove to you what these speeches were, and then if you will be so good as to ask yourselves what the Constitutional Society meant in January and February 1793, you will judge whether that Convention which they meant to call was to be the means of applying to Parliament, or to be the means of introducing a representative government in this country, to assume, and which you find did for the time assume all the powers of government, the people delegating these legislative powers only so long as it chose to delegate it; a body politic in itself possessing an eternal source of reform and revolutions.

With respect to St. Andre, the passages I shall observe to you are these, speaking to the Convention, he says, your right to decide the fate of kings arises from your being a revolutionary tribunal, created by the nation in a state of insurrection.

Speaking of the people of Paris, this is on a question whether the person of the King be inviolable; a maxim perfectly consistent with the civil liberty of the people, because though the King's person is inviolable, he has advisers who are violable in every act he does, at whose peril it is done; he says,

"The people of Paris, by making an holy insurrection against the King on the 10th of August (which in Mr. Frost's letter to Mr. Tooke was absolutely necessary to be done) deprived him of his character of inviolability. The people of the other departments applauded this insurrection, and adopted the consequence of it. The people have therefore formally interposed to destroy this royal inviolability. The tacit consent of the people rendered the person of the King inviolable. The act of insurrection was a tacit repeal of that consent, and was founded on the same grounds of law as the consent itself.—The King's person

person is inviolable only with relation to the other branches of the legislature, but not with relation to the people."

Now, gentlemen, I ask you, what do these gentlemen (who order this speech to be published, that the King's person is inviolable only with relation to the other branches of the legislature, but not with relation to the people) when they were talking to the Convention mean? I am sorry to say, that my mind is drawn to the conclusion, that they thought the King's person was not inviolable with respect to the Convention of the people, which was to be formed because there was to be no application to the Parliament.

Now let us see their ideas of a Convention:

"A Convention differs from an ordinary legislature in this respect—A legislature is only a species of superintending Magistracy, a moderator of the powers of government—A Convention is a perfect representation of the Sovereign.—The members of the Legislative Assembly acted in August upon these principles.—In summoning the Convention, they declare, that they saw but one measure which could save France; namely, to have recourse to the supreme will of the people, and to invite the people to exercise immediately that unalienable right of sovereignty which the Constitution had acknowledged, and which it could not subject to any restriction. The public interest required that the people should manifest their will by the election of a National Convention, formed of representatives invited by the people with unlimited powers.—The people did manifest their will by the election of that Convention.—The Convention being assembled, is itself that sovereign will which ought to prevail.—It would be contrary to every principle to suppose that the Convention is not alone exclusively the expression of the general will.

"The powers of the Convention must, from the very nature of the Assembly, be unlimited with respect to every measure of general safety, such as the execution of a tyrant.—It is no longer a Convention if it has not power to judge the King.

"A Convention is a constituent body, *i. e.* a body that is to make a Constitution for the people.—A legislature makes laws under an established Constitution, and in conformity to it. It is despotism when in the ordinary and permanent establishment of a state there is no separation of powers; but it is of the very essence of a constituent body to concenter for the time all authority.—It is the very nature of a National Convention to be the temporary image of the Nation, to unite in itself all the powers of the State, to employ them against the enemies of Liberty, and to distribute them in a new social compact called a Constitution."

After I have stated that to you, I think I cannot possibly be mistaken

mistaken when I conceive that you can do no otherwise than put the same construction on this letter which I do.

Gentlemen, I will now take the liberty of calling your attention to a letter of the 17th of May 1793, and an answer, the 25th of May 1793, passing over a great many letters, the substance of which you may inform yourselves of by having them read. I will now call your attention, in order of time, to a letter of the 17th of May 1793, for it begins a correspondence most excessively material, with that part of the country in which a Convention has been already held, I mean in Scotland, a Convention, which I think I shall state to you, that for the time acted on the principles that form the speech of St. Andre, and which if it had not been stopped in the execution of its purpose, and had been joined by those whose acts are here before you this day, you might have now seen a very different state of things in this country to which now is the case.

I hold it as my opinion, in the office which I fill, that if I understand the case for which certain persons were tried for the acts which they did in Scotland, not as for high-treason, but if they had been tried for high-treason, there would have been no right to complain, if they had agitated that question in that shape before a jury of the country.

On the 17th of May, a Mr. Urquahart going from London to Edinburgh, Mr. Hardy, and the person named Margarot, they write a joint letter, informing those to whom they write, that Parliament had, as they expected it would, and as they meant it should, reject their petition; the letter is dated

London, May 17, 1793.

" SIR,

" The London Corresponding-Society eagerly seize the opportunity of Mr. Urquahart's going back to Edinburgh, to request of your society a renewal of correspondence, and a more intimate co-operation in that which both societies alike seek, viz. a Reform in the Parliamentary Representation. We are very sensible that no society can by itself bring about that desirable end; let us therefore unite as much as possible, *not only with each other, but with every other society throughout the nation.* Our petitions, you will have learned, have been all of them unsuccessful; our attention *must now therefore be turned to some more effectual means.*—*From your society we would willingly learn them, and you, on your part, may depend upon our adopting the firmest measures, provided they are constitutional (and by constitutional they meant at a Convention distinct from a Parliament); and we hope the country will not be behind-hand with us.*

This war has already opened the eyes of many, and should it continue

continue much longer, there is no answering for its effects on the mind of the people.

" Our society has met with much persecution, nevertheless we go on increasing in number and political knowledge. Wishing you and our cause all success, we remain most cordially, Sir,

" For the London Corresponding-Society,

" Your Friends and Fellow-Labourers,

" M. M. Chairman.

" T. HARDY, Secretary.

" To the Friends of the People
at Edinburgh."

Then Mr. Skirving, in answer, writes thus:

" Mr. Urquhart did me the pleasure to call on Thursday afternoon, and delivered your letter of the 17th current. I am much pleased with the contents of it, and shall lay it before the first meeting of our Societies here, which however does not take place till Monday sevennight. I would have acknowledged the receipt of your favour by yesterday's post, but was too much employed in removing our household to another lodging to attend to any thing else.

" If either you in England or we in Scotland should attempt *separately* the Reform which we, I trust, seek to obtain, we should by so doing only expose our weakness, and manifest our ignorance of the corruption which opposes our important undertaking. If we sought only the extirpation of one set of interested men from the management of national affairs, that place might be given to another set *without affecting the vitals of the system adverse to Reform*. These might be easily accomplished; but to cut up deep and wide-rooted prejudices, to give effectual energy to the dictates of truth in favour of public virtue and national prosperity, in opposition to self and all its interested habits, and to withstand and overawe the final efforts of the powers of darkness, is the work of the whole and not of a part, a work to which mankind, till this awful period, were never adequate, *because never till now disposed to fraternize, not merely, or only, I trust, from the sense of the common danger to which we are exposed, but from the ennobling principle of universal benevolence.*

" I know no greater service that I can do to my country than to promote the union you so wisely desire; and I am happy to assure you that I have hitherto discovered no sentiment in our association adverse to the most intimate and brotherly union with the associations in England.

" I think

" I think the minds of all must, in the nature of things, be now turned to more effectual means of Reform. Not one person was convinced of the necessity of it by the most convincing arguments of reason, together with the most unequivocal expressions of universal desire. What then is to be hoped for from repetition; I am only afraid that the bow in England against Reform was so contracted that in returning it may break. You would willingly learn, you say from us. I own that we ought to be forward in this. We have, at once, in great wisdom perfected our plan of organization; and if we were in the same independent state of mind as the people of England, we would be able to take the lead. The associations with you are no more, I fear—excuse my freedom—than an Aristocracy for the good of the people. They are indeed moderate, firm, and virtuous, and better cannot be; but we are the people themselves, and we are the first to shew that the people can both judge and resolve, if undirected by faction, with both wisdom and moderation.

" I have not a higher wish in the present exertions for Reform, than to see the people universally and regularly associated, because I am persuaded that the present disastrous engagements will issue in ruin—(I must here beg your attention to this, because I think you will see that in the transactions in the Convention at Edinburgh, they looked to what they were to do in case of an invasion, as well as in every other)—and the people then must provide for themselves; and it would be unhappy, when we should be ready to act with unanimity to be occupied about organization, without which however anarchy must ensue. We will not need but to be prepared for the event, to "stand and see the salvation of the Lord." Let us therefore take the hint given us by our opposers; let us begin in earnest to make up our minds relative to the extent of Reform which we ought to seek; be prepared to justify it, and to controvert objections; let us model the whole in the public mind; let us provide every stake and stay of the tabernacle which we would erect, so that when the tabernacles of oppression in the palaces of ambition are broken down under the madness and folly of their supporters, we may then, without anarchy and all-dangerous delay, erect at once our tabernacle of righteousness. And may the Lord himself be in it.

" How hurtful to the feelings of a reflecting mind to look back to the wretched state in which the Roman monarchy, enfeebled and broken by its own corruption, left the nations which it had subjected, like "sheep without a shepherd;" they soon became a prey to every invader, because there was none to gather and unite them. Had they, foreseeing the evil, associated for mutual defence, no robber would have been able to enslave them; they

they would have given laws to all parties as well as to themselves; all separate colonies and nations would have sought their alliance; but not having virtue to associate, and heal the divisions, and root out the selfish spirit, which ambition fostering governments procure to their subjects, they fell under oppressions, from under whose iron sceptre they have never yet been able to deliver themselves.

“We may suppose an event which we deprecate; nay, should we not be prepared for every possible issue of the present unprecedented divisions of mankind, we have a right to be apprehensive of the abilities of our own managers, who are so afraid to depart from precedent, that, like men of detail, they may be inadequate to the task of preserving the vessel from shipwreck, now grappling with danger, not only great, but new and uncommon. If the present ministry fail, who after them shall be trusted? it requires little penetration to see the anarchy and discord which will follow; it will be such that nothing *short of a general union among the people themselves will be able to heal; haste, therefore, to associate, at least to be ready to associate.* If then such a broken state of things should take place, the civil broils that would necessarily ensue would soon subside before the united irresistible voice of the whole. Do not, I intreat you, hesitate, thinking *such a work premature as yet;* (Gentlemen, this is written in May 1793) but *a month, and then it may be too late.* A malignant party may be already formed, and only waiting for the halting of the present managers; it will then be too late to seek to subject to deliberation, after a party has dared the act of rebellion. *If you go no farther than separate meetings in different towns, we will not be able to confide in your confraternity, because, while in such state, you may be but the tools of a faction.* We could have all confidence, and unite with all affection, in *one assembly of commissioners, from all countries of the world,* (this letter being written in the beginning of the war, and then it says, we could have all confidence, and unite with all affection in one assembly of commissioners, from all countries of the world,) if we knew they were chosen by the unbiassed voice of the people, because they would come up with the same disinterested views and desires as ourselves, having all agreed to a common center of union and interest; but we could not confide in fellow citizens who kept aloof from such union, and would not previously affiliate in one great and indivisible family.

“In troubling you with so long an epistle I have at least shewn my inclination to correspond. I have also hinted at things which appear to me the present subjects of consideration, because I am desirous of your opinion upon them. I have possibly wrote with too much freedom, but you will place it to account of zeal

in the cause, and on this score discharge my design, which is disinterested and philanthropic.

With sincere esteem and affection,

I am, Sir,

Your well-wisher,

W. SKIRVING, Sec.

On the 10th of June, 1793, (I have before told you that there was a society in Birmingham) that society writes to the London Corresponding Society, and the answer of the London Corresponding Society to them is in these terms :

Sir,

10th June, 1793.

It is with singular satisfaction the committee of the London Corresponding Society received your letter ; they are very glad to see the spirit of freedom springing up in Birmingham, and they make no doubt but that the zeal of your society, and the increase of your numbers, will soon do away the stigma thrown on your town by the unjustifiable behaviour of a Church and King mob. We are entirely of your opinion with regard to the necessity of a general union ; and we believe, as you do, that *when once the country shall have so united, the Neroes of the day will be forced to yield to the just demand of a long and sore oppressed people.*

With pleasure we accept your proffered correspondence, and earnestly beg of you to let us hear from your Society by every opportunity. We wish likewise you would point out to us *some safe mode of conveyance* for such informations and publications as we may think necessary to be transmitted to you. The post we no ways rely on, as many of our letters have already been intercepted.

If any of the members of your society should have occasion to visit this metropolis, we hope you will not let him come without a letter from you, and that while they stay here they will frequently *assist at the meetings* of our several divisions, and *by thus associating commence an union which we hope soon to see spread itself all over Britain.*

We will not enter into a detail of our grievances ; we are equally well informed thereon, and all alike thoroughly convinced that nothing short of annual Parliaments and universal suffrage can restore to us that degree of civil liberty we are justly entitled to, &c. &c.

To ———, Secretary to the Birmingham
Society for Constitutional Information.

Gentlemen,

Gentlemen, the Political Societies at Norwich also write to the London Corresponding Society with respect to this Convention on the 25th of June 1793, in which they say, we lately received your friendly letter, wherein you stated three propositions; first, a petition to his Majesty, or to Parliament, or a National Convention, and ordered one of our committee to answer it; should be glad if you will inform me whether it was attended to; I gave my opinion on the subject to the Constitutional Society at London, and found their ideas congenial to my own, viz. an address to the King, futile; a petition to Parliament, (as a conquered people,) tolerable; a National Convention, (if circumstances admitted,) best of all.

You will find on the 28th of June, 1793, while these societies are holding so much correspondence with respect to this National Convention, as the only effectual means to effect their purpose, it was thought that an address to the nation should be prepared, and that is not immaterial for you to take notice of, because you will find that the project of a National Convention in Scotland, was thought to have failed for want of a previous address to the nation. On account of that, many gentlemen were brought together, and a resolution was passed, that Mr. Tooke, and a person of the name of Yorke, who was afterwards a delegate to Edinburgh, should be united in preparing an address.

On the 25th of July, 1793, a letter having been received from the Political Societies at Norwich, the answer is given in these terms:

Fellow Citizen,

London, 25th July 1793.

The London Corresponding Society have received and read with pleasure your letter of the 25th of June, but the answer which you mention to have been made to our three questions has not yet come to hand. We shall be glad to be informed in your next whether it was put in the Post Office.

With regard to the questions themselves, however individuals may have made up their minds on them, *the public seemed most to approve the mode of petitioning parliament.* We accordingly acquiesced, and sent in a petition signed by near 6,000 persons. With this letter you will receive a copy of it; and with it's fate you are doubtless not unacquainted.

While we agree with you that the people are treated like swine, we are forced to acknowledge that some among them, from their *sloth and ignorance*, scarcely deserve better usage; however, unceasingly labouring to meliorate their condition as well as our own, and convinced that a thorough Parliamentary Reform is the only means of effectuating it, we firmly pursue our purpose, and in the most conspicuous manner, under the eye of the court,

in the middle of the metropolis, and in the very nest of place and pension hornets, the tavern where Reeves, the tool of the Junto, holds his inquisitorial tribunal, have lately held a general meeting of the society, sent forth an address to the nation, and entered into some spirited resolutions, a few copies of which we desire you to accept and promulgate as far and as wide as you can; at the same time rest assured that the firmness displayed therein is not *confined to words*, but that on every occasion our society will be found foremost in *asserting and recovering the liberties of their country*.

Exhorting you, therefore, to throw aside all unavailing complaint, we wish you to occupy yourselves in instructing the people, in introducing and maintaining order and regularity in your own society, and *in forming a junction with all others associated for the same purpose throughout the nation*, by keeping up a constant correspondence with them; but, above all, *orderly and courageously preparing yourself for the event*, (mark the reason,) for as it is natural to suppose that those who now prey on the public will not willingly yield up their enjoyments, nor re-possess us of our rights *without a struggle*, which, by their behaviour in Ireland, (it alludes to a bill to prevent a Convention being held there,) we have some reason to think they are meditating, and perhaps may intend to effect by means of those very foreign mercenaries who are now paid with the sweat of our brow, and whom, under some plausible pretence, it would be no difficult matter to land on our shore—It may be more advantageous to humanity to shew them at first, that their opponents are neither mob nor rabble, *but an indignant oppressed people, in whom is not yet entirely extinct the valour of their forefathers*.

(This is the conclusion again to the address at the end of the year 1792.)

Union and increase being then our only resources, let us diligently exert ourselves therein with zeal and patience, removing ignorance and prejudice, with firmness and a consistent behaviour encouraging those who join us; and, above all, avoiding little bickerings among ourselves, ever discountenancing selfish jealousies and private animosities, and cordially joining with heart and hand in the common cause.

Your neighbourhood must severely feel the dreadful consequences of an iniquitous, depopulating, and ruinous war, but you are not the only sufferers; from various parts of the country we learn, that the war abroad has already spread desolation at home; yet such is the blindness of some folks, that they talk of it's being continued for years. Peace we wish to all men, but to such friends destruction. Let us hear from you soon, and let our
future

future correspondence be more regular. We are, with sincerity,
fellow citizen, for the L. C. S. as

Your friends and fellow labourers for the
Good of our country,

M. M.

T. H.

In a letter I referred to, which is written by the same Corresponding Society, on the 31st of July 1793, as an answer sent by the Hertford Society, in which the Hertford Society had desired to know their principles, they state themselves in the same manner. (See JORDAN'S *Second Report of the House of Commons*, p. 141.)

In October 1793, the Scotch Convention having met, which we have all heard so much of out of this place, you find there was a letter received from Mr. Sinclair, together with an address of Skirling, who was secretary to the Convention; and an extraordinary meeting was called at the Crown and Anchor, to consider the utility and propriety of sending delegates to the Convention to be held at Edinburgh, for the purpose of obtaining a Parliamentary Reform.

On the 28th of October 1793, this society came to a resolution to send delegates, and Mr. Sinclair and Mr. Yorke, whom I have before mentioned, were appointed. And perhaps one cannot better state the extraordinary assumption of delegated power, than when I state to you, that Mr. Sinclair, meeting with the other deputies in the Convention of Scotland, had no difficulty in assuming with others, to call their meeting the British Convention of the people, and asserting their right so to act. Richter was to supply the place of Mr. Yorke in case he is disabled. And these persons go with all the delegation of the powers of the people, which this constituted society could give them.

The London Corresponding Society was not to be backward with the London Society for Constitutional Information, in forming this Convention in Scotland, all which you will see in the evidence, which deserves your most serious attention, as expressed in a circular letter, in which the prisoner expressed himself thus:

Fellow Citizens,

London, 17th Oct. 1793.

We have to acknowledge at once your favours of the 3d September, and 14th instant. Multiplicity of business prevented my answering your first; but will now inform you that the spirit shewn in it gave great satisfaction to our society at large. The rejoicings for the capture of Valenciennes were not confined to Norwich alone. The ignorant every where else throughout the nation betrayed their imbecility on the occasion. But the taking
of

of a town, the slaughtering of thousands of human beings, the laying waste whole provinces, or the enslaving a nation (how ever great evils they may be) can only retard for a small space of time the progress of truth and reason:—Be not disheartened, therefore pursue your plan, instruct mankind, and constitutionally set your faces against existing abuses: Be assured that many are our friends, *who only wait a favourable opportunity to openly join us*, while our enemies have much enfeebled themselves and their cause by their arbitrary exertions. Despotism is at it's last gasp—one or two campaigns more will terminate it's existence.

We are glad to see that you begin to make a proper use of delegation: Where bodies of men are too numerous to be convened easily on every occasion, delegation is the best, and indeed only way to obtain the general opinion. Scotland, improving on the idea, have not only summoned their own delegates, but also invite those of every other society to attend a kind of Convention, which is to be held at Edinburgh on the 29th instant. The inclosed paper, which I, previous to the communicating your letter to our committee (which will meet only to-morrow) make haste to transmit to you, will shew you that your society is included in the general invitation to send delegates to that meeting—which we exhort you to do, if you possibly can.—I firmly believe our society will not miss the opportunity of doing the same.

On the 5th of October, as this letter was wrote on the 17th, the prisoner writes to Skirving in this way:

Dear Sir,

London, Oct. 5, 1793.

With pleasure I peruse your favour of the 2d instant; but as yet have seen nor heard nothing of the two copies of Mr. Muir's trial, which you mention as being sent to the Society, and to myself. Be kind enough, notwithstanding, to return that gentleman thanks for his polite attention, and assure him, that we view him in the light of a martyr to freedom, as well as Mr. Palmer; and that our warmest hopes are, that the oppressors of mankind will either be ashamed or afraid of carrying their revengeful malice into execution.

The General Convention which you mention appears to Mr. Margarot (to whom alone I have communicated your letter) and myself, to be a very excellent measure, and as such I could wish you, without delay, to communicate it officially to our Society, *without any ways mentioning that you had written to me privately*. If in your official letter you should require us to send a deputation to that meeting, I have no doubt but our Society would with pleasure accept the invitation, and I am persuaded it may do much good. Our freedom, as you justly observe, depends entirely

tirely upon ourselves, and upon our availing ourselves of this opportunity, which once lost may not be so soon recovered. I am glad to discover by your testimony that I was no ways mistaken in the high opinion I always had of Lord Daer's patriotism. A title may be a bar to disinterested patriotism; but, it seems, he has evinced it to be not an insuperable one.

You are right—it is true, that we have had another General Meeting, at which a hastily composed and suddenly produced address to the King was read, applauded, and agreed to be presented; but on a cool revival, the said address being found to be more ill-natured than spirited, more dangerous in its language than advantageous in its object, besides being too long, the Committee, with the approbation of the majority of the Society, have adopted another, much safer, more apposite, and relating solely to the war. Enclosed you have a copy of it. But you was misinformed when you was told we passed any resolutions at that meeting, for we only came to one, and that rather of a private nature, namely, "That the conduct of Sir James Sanderson, in preventing the meeting of the London Corresponding Society at the Globe Tavern, Fleet-street, is of such a nature as to place him under our censure."

I am, most sincerely,

Your fellow-labourer and well-wisher,

THOMAS HARDY.

P. S. Mr. Margatot desires to be remembered to you in the most affectionate manner. Do not in future, *on the address of your letter, mention anything of the London Corresponding Society*, for it was a thousand to one that I received that letter by post.

To Mr. Skirving, Edinburgh.

The London Constitutional Society gave their delegates, Mr. Yorke and Sinclair, certain instructions; and I ought to tell you, that the manner of keeping the books of the London Constitutional Society was thus: the resolutions made on the one night, were taken on loose paper either by the secretary, or by other persons who acted in his absence or presence when he was not doing that duty himself, and they were entered before the subsequent night of meeting regularly on the book, and the first thing done on the subsequent night of meeting, was to read the resolutions that were made on the former night, to see they were correct. Now it will naturally occur, therefore, that the book may explain the minutes, and the minutes may explain the book.

Now, when they came to draw the minutes for the instruction of their delegates, that were to be held in Scotland, the first idea

idea was to instruct their delegates to petition Parliament ; but that was altered ; therefore, that is struck out of their minutes, and they have instructions in these general terms :

“ The delegates are instructed, on the part of this Society, to assist in bringing forward and supporting any constitutional measures for procuring a real representation of the Commons of Great Britain in Parliament. That in specifying the redress to be demanded of existing abuses, the delegates ought never to lose sight of the two essential principles, general suffrage and annual representation, together with the unalienable right in the people to reform ; and that a reasonable and known compensation ought to be made to the Representatives of the nation, by a national contribution.”

What they meant by the representatives of the nation, if it was as I have really stated to you, you cannot be mistaken ; and what they meant by general suffrage and annual representation, seems to be beyond all doubt.

The London Corresponding Society are somewhat bolder in their instructions with which they send their delegates to the convention in Scotland ; they are to the following effect ; they consist of nine articles.

By article 1st, the delegate is instructed, “ that he shall on no account depart from the original object and principles of this society, namely, the obtaining annual Parliaments and universal suffrage by rational and lawful means.

2d. “ To support the opinion that representatives in parliament ought to be paid by their constituents.

7th. “ That it is the duty of the people to resist any act of parliament repugnant to the original principles of the constitution, as would be every attempt to prohibit associations for the purpose of reform.”

I beg you to observe this, *That it is the duty of the people to resist any act of parliament, &c.* because this shews on what principle the Convention of Scotland was formed.

There is no government in this country if this principle is to be acted upon, because nobody can tell to what extent it will go ; consequently, those who went into Scotland with this authority in their hands, state a great variety of cases in which the people, or any convention of the people, was to resist the parliament.

Mr. Attorney General now went into a general history of the Scotch Convention, (as will appear fully on the evidence in the trial.) He then observed, it was material to attend, that they stiled themselves the British Convention of delegates, associated for the purposes of Parliamentary Reform.

Then, says he, I ask, what is a Convention of the people according to these societies ? According to the proceedings in Scotland,

Scotland, a convention of the people is a convention of delegates of these societies in England and Scotland. What is it that they are to do? they assert, that the people have in them all civil and political authority, and they repeat it again and again, from the time the Convention was first formed, till the moment of it's dispersion. More especially still from the time of it's dispersion, to the meeting of the 20th of January, and at the meeting of Chalk Farm, you will find the most pressing sentiments, that *now or never is the time* when a convention of the people was to meet; when they, no longer fearful of their own valour, were courageous enough to prepare themselves for the event, and to shew to those who were their enemies, oppressors, and plunderers, that they were a brave people in whom valour was not extinct.

Having thus seen the practice that took place in the National Assembly of France, the Convention of Scotland followed their example; they created Sections, they divided the country into Departments, they appointed Provincial Assemblies, they have Committees to call together on extraordinary emergencies, and then, in Nov. 1793, they come to a resolution to which I would beg your most serious attention.

You will remember, that they went with authority which flated to them, that it was the duty of the people to resist any Act of Parliament that should be made for a particular purpose. It is hardly to be contended, I think, but that the great bulk of the people of this country were happy in their political existence; as undoubtedly they were remaining happy in their political existence, because they did not feel the grievances till they were taught by malignant industry to believe that they existed, or it may be that they existed in such a degree as to call for measures of this sort. Those that formed this Convention could not believe that the legislature of this country could permit a proceeding of this kind to pass unnoticed, to go on, yet confiding, so much as they did, in the supposed state of their numbers in that country, and those that were to be connected with them in this, you will find, that on the 28th of Nov. 1793, one of the persons belonging to this Convention, the members all standing up on their feet, for the greater solemnity of the thing, passes a motion of union between the two nations, and then this resolution is come to, "Resolved, that the following declaration and resolution be entered at the end of our Minutes.

" That this Convention, considering the calamitous consequences of any act of legislature which may tend to deprive the whole or any part of the people of their undoubted right to meet, either by themselves or by delegation, to discuss any matter relative to their common interest, whether of a public or private nature, and holding the same to be totally inconsistent with the first principles and safety of society, and also subver-

five of our known and acknowledged constitutional liberties, do hereby declare, before God and the world, that we shall follow the wholesome example of former times, by paying no regard to any act which shall militate against the Constitution of our country, (that is to say, the affiliated societies,) and shall continue to assemble and consider of the best means by which we can accomplish a real representation of the people, and annual election, until compelled to desist by superior force.

“ And we do resolve, that the first notice given for the introduction of a Convention Bill, or any bill of a similar tendency to that passed in Ireland in the last sessions of their Parliament;

“ Or any bill for the suspension of the Habeas Corpus Act, or the act for preventing wronguous imprisonment, and against undue delays in trial in North Britain;

“ Or in case of an invasion, or the admission of any foreign troops whatsoever into Great Britain or Ireland; (I call your recollection to the Letter of the French Convention, when the troops of liberty with arms, bayonets, and pikes, were to be sent into this country. Why, if the people of this country had brought foreign troops into Great Britain or Ireland, not being of a nation that we were at war with, were these people to conduct themselves in the same manner as they were to act with those troops that were at war with us? Yet if foreign troops are introduced to meet the exigency of the occasion, were they to be considered in the same light as if it was an invasion?)

“ All or any one of these calamitous circumstances shall be a signal to the several delegates to repair to such place as the Secret Committee of this Convention shall appoint; and the first seven members shall have power to declare the sittings permanent, shall constitute a Convention, and twenty-one proceed to business;

“ The Convention doth therefore resolve, that each delegate, immediately on his return home, do convene his constituents, and explain to them the necessity of electing a delegate or delegates, and of establishing a fund, without delay, against any of these emergencies, for his or their expence; and that they do instruct the said delegates to hold themselves ready to depart at one hour's warning.”

Why are they here to declare their sitting permanent? because the due Legislature of the country has dared, not as yet to come to an act, but to give notice of it's intention. Are these the men that would think of bringing themselves together to declare their sittings permanent on such a ground as they state here? to oppose the Legislature of a great country acting in that great duty that belongs to that country. Can we see it without supposing that they were to make their meeting effectual by acts that could be carried on for the purpose of preventing the Legislature from deliberation?

By

By what act could it be done, but by resuming the valour of their forefathers? by force, by exerting that effectual exertion that is to be preceded by spreading useful knowledge, the characteristic of that useful knowledge being to put down by the nature of it's acts the King, Lords and Commons.

Well might Mr. Hardy say, that if the opportunity is lost now, it is lost for ever. We must act now, or we must never act.

Having some reason to suppose that this Convention would be dispersed, they came to another resolution:

"That the moment of any illegal dispersion of the British Convention, shall be considered as a summons to the delegates to repair to the place of meeting appointed for the Convention of emergency by the Secret Committee; and that the Secret Committee be instructed, without delay, to proceed to fix the place of meeting."

After these resolutions it became necessary to do a little more, and to declare on what principle this Convention exists. Now mark the principles, and do your country justice, to apply so much of the observations as I have made to you, as are worthy your attention, to what I have before stated, as necessarily connected between the principles and practice of Mr. Paine. The principle is that of the French Convention. What is the practice? It is the assembling of a convention that should sit to prohibit the Legislature from doing any thing but what is agreeable to them; and having met in execution of the practice, they proceed immediately to a declaration of the principles; but they do not proceed to a declaration of principles till they have done that strong and solemn act which I have stated to you; then they resolve that a Committee be appointed to draw a declaration of the natural, unalienable and imprescriptible rights of man, &c. to be prefixed to an Address to the People of Great Britain, and that a Committee of observation be appointed at London to give the earliest intimation of any motion of the kind mentioned in the foregoing resolution.

Then you find they met in a place called Convention Hall, and they date their proceedings the first year of the British Convention; then they are informed that the London Corresponding Society would undertake to be the Committee of Observation, which, they say, ought to exist; then you find their numbers mentioned, that there are many thousands of constituents in Norwich, London, Leeds, &c. and that the Convention, to look at it in it's true nature, was a Committee of the people, and therefore it was necessary for them to have, as they had in France, primary Societies, those primary Societies being over-ruled by the leaders of their great clubs, from which they emanated, and so forming in this country a government under the power of the Jacobin Club.

You will find that before these persons parted, Mr. Margatot communicated to his constituents the proceedings of this body, which he styles always the British Convention of the people, associated to claim Annual Parliaments and Universal Suffrage.

You will find that they looked up to the London Corresponding Society, that their active exertions were necessary for the accomplishing of the project that they were sitting for in Edinburgh. And then afterwards delegates arrived in London, and gave to Mr. Hardy, as the Secretary of that Society, an account of their proceedings; they give him an account of that solemn motion and the manner of making it, as I have mentioned; they state that the appointment of the place (to which circumstance I beg your most particular attention) where they were to meet, was left to a Secret Committee, and when they sent to him informing him of the circumstance of this motion, they sent to him an account of the motion, at the same time informing him in a letter, *that letters convey but very imperfectly, and with no great degree of safety, what we wish to inform each other of*, because letters will not convey very safely; that the convention were to meet in cases of invasion, that was a secret that was not to be trusted to correspondence by letter; and though it existed in that motion that was made, every other part being communicated in a letter, yet they do not think it safe to communicate it by letter, and also consider it of such a nature that they determine not to insert it even in their own minutes.

This fact being communicated to the London Corresponding Society by a delegate, you will also find that Mr. Sinclair, delegate to the London Constitutional Society, was not behind in his duty to his constituents; he desired a Secret Committee might be also appointed in that society.

Not long after this, we see the concerted power of the magistracy in that country disperse that convention, which dispersion suggested to the societies in this country, viewing the same work at the same hazard, to form the plan of another convention to be held in England, knowing that the project must then be accomplished, or never could be accomplished, because no government would permit such a convention to exist without taking some means to prevent the consequences against itself.

We find then, after the dispersion of the Scotch Convention, when some of them had been sentenced to punishments, and which proceedings against them were not stated in my humble opinion in that aggravated way, as they might have been stated, when they were to be brought into this country in the process of the execution of their sentence, you will find in the evidence, propositions in this society about a rescue, which however failed.

Before

Before they left Scotland, there is a letter of Margarot's to Hardy, to this effect. Two months passed in Scotland will so effectually do the business, that nothing will be able to prevent the reform from taking place. In your letter, says he, do not introduce politics, or at least nothing but what concerns reform. The convention you will see have declared themselves permanent, they are to sit in some other part of the country, which is not yet declared, the cause is in great forwardness in Scotland, that nothing but sufficient supplies of money are wanting in order to avow their views with success, and a very short time will be sufficient to put things in such a train, as will completely exclude the possibility of a failure. In another letter he talks of Mr. Sinclair having gone to Perth on very urgent business.

On the 19th of December 1793, Mr. Sinclair, the delegate from the Constitutional Society, came to London just at the time I have before observed to you, that there were some things in the letter of Gerald's and Margarot's that could not be safely conveyed by letter; and who of consequence might be inferred to have been sent for the purpose of this secret intelligence, which was that part of their resolution of assembling the convention at some secret place, and that the first seven should declare their sittings permanent, and twenty-one proceed to business, in case of an invasion.

On the 22nd of December 1793, another letter is written to Mr. Hardy by the same gentleman, which probably led in some degree to the transactions which passed in January 1794, for after stating what happened to himself in Scotland, he says, Sheffield has exhibited a most manly spirit, (you are to observe that Sheffield had at that time sent out very strong resolutions) it is not too late, for God's sake send out some strong resolutions: above all, talk of impeachments and petitioning the king.

Then we find Mr. Margarot and Mr. Brown, who were the delegates of Sheffield, were gone to attend a general meeting of the society of the Friends of the People, in East Lothianshire, and then it is said, the time is come that we must shew ourselves worthy of liberty, or lose it.

On the 27th of December 1793, you will find, that Gerald was at Perth, as Margarot states, that he himself had been at East Lothian; that they had been well employed, and that they must come to some spirited resolutions.

And you will there find, on the 11th. of January 1794, that Mr Hardy writes this letter to Norwich, relative to the proceedings I have now been stating, that the Corresponding Society first, and the Constitutional Society afterwards, in their public acts approved of every thing the convention had done.

Fellow

Fellow Citizens,

London, January 11, 1794.

I have just received a letter from citizen Margarot, at Edinburgh, with some of the Edinburgh Gazetteers, where you will see that citizen Skirving is found guilty, and sentenced for fourteen years transportation to Botany Bay. Margarot's trial comes next; he meets it with great firmness and resolution. I have no time to make my comments on the proceedings, but I think our opponents are cutting their throats as fast as they can. Now is the time for us to do something worthy of men. The brave defenders of liberty south of the English Channel are performing wonders, driving their enemies before them like chaff before the whirlwind. Margarot tells me, that he has not time to write to you just now, but he hopes to have time very soon, when his trial is over, and immured in a prison. The London Corresponding Society is to have a general meeting and an anniversary dinner, on Monday the 20th instant, at the Globe Tavern, Strand. I have sent you some of Margarot's and Skirving's indictment, with two copies of a pamphlet on Brewing—the author is a member of our society; if you approve of it, you may put it in practice, and it will be a great saving to many families, also a diminution of the revenue, for every one brewing their own beer pay no duty for it. Excuse haste. I still remain, &c.

(Signed) THOMAS HARDY.

You will find that Mr. Margarot, while at Spithead, writes to the Norwich Society, dated from Spithead the 10th of March, 1794. The Letter follows:

Spithead, 10th of March 1794.

Worthy Friends, and Fellow Citizens,

Our stay here being longer than was at first expected, I avail myself of that delay to acknowledge the receipt of twenty pounds from your society, which have been delivered to me by Thomas Hardy, our Secretary, to whom you had remitted them, and who has been down here purposely to see me, and make some arrangements for the future, but whose business has called him back to London before any thing could be settled between us.—At first he seemed to think that the money was meant by you to be divided among the four who are now suffering together: but, on my acquainting him that those gentlemen were infinitely better off than myself in that respect, inasmuch that they are continually receiving private presents, and are moreover supported by many noblemen and rich members of Parliament, these latter seeking only (I much fear) to make a party affair of it, he gave the money to my own disposal. If, however, you meant otherwise, your intention shall be complied with immediately on it's being made known

known to me—So much for pecuniary affairs——“ This morning ten ships of war have left Spithead for the Channel, and it is here reported that the Brest fleet is out. Rumour always magnifying things, says there are seventy sail of the French at sea; if so, there must be a number of transports among them, and a descent may probably be the consequence.—For God’s sake, my worthy friends, do not relax in the cause of freedom—continue as you have begun—consolidate your own societies—unite with others—persevere, and make no doubt but sooner or later your endeavours will be crowned with success.” I have also to thank you for the affectionate address I received from you. Be assured that my utmost ambition will be to deserve your confidence and your esteem. The tide of fortune, however strongly it may run against our cause at present, must soon have a turn: The eyes of mankind will naturally open—when their pockets empty, and their blood spills, they will ask each other, for whom are we thus sacrificing ourselves and murdering others? What advantage results to us from all this expenditure and slaughter? And by interfering in the government of another country, do we not set other nations an example to interfere with our own government, and to model it as they think proper? Should they do so, popery and despotism must be our lot—may gracious Providence avert it; may we rather all to a man be determined to live free or die! In my exile nothing would afflict me so much as to hear that my country was enslaved, and that my countrymen hugged their chains. I trust however, the national spirit of Britons will prevent it. Adieu, my dear friends; and ever remember,

Your faithful,

M. MARGAROT.

P. S. This day a mock debate concerning our sentence is to take place in P——

I come now to state to you the proceedings of the year 1794, as far as they depend on the written evidence that is to be laid before you, and it must be a satisfaction to every man who hears me, that in the course of this evidence, whatever may arise on the parole evidence that is to be given, you will find so strong a confirmation of the written evidence that is to be laid before you, that these observations cannot obstruct you from coming to a true conclusion, whatever that may be. The Constitutional Society having sent their delegate to the Scotch Convention, you will find that at a meeting, held the 17 of January 1794, the following Resolution was come to, and to which I desire your particular attention, more especially, as there are some circumstances belonging to the composition of that resolution, which appear to me to be worthy your attention.

I have

I have before told you, that these resolutions were originally drawn from the minutes, and the original minute still exists, and perhaps it shews that discretion with which men are able to state, in different ways, the precise thing; and I say, that these papers were meant to excite the subjects of this country to resist by actual force. The Resolutions are these :

" Resolved, That law ceases to be an object of obedience whenever it becomes an instrument of oppression.

" Resolved, That we call to mind, with the deepest satisfaction, the merited fate of the infamous Jefferies, once Lord Chief Justice of England, who, at the Era of the glorious Revolution, for the many iniquitous sentences which he had passed, was torn to pieces by a brave and injured people.

" Resolved, That those who imitate his example, deserve his fate.

(This is to be applied to the Judges of Scotland, who executed the law on such facts as I have stated; and I hope, this sort of Resolutions had not their end, to put them to their peril, who in their official duty, passed those sentences to which these Resolutions allude.)

" Resolved, That the Tweed, though it may divide countries, ought not, and does not make a separation between those principles of common severity in which Englishmen and Scotchmen are equally interested; and that injustice in Scotland is injustice in England; and that the safety of Englishmen is endangered whenever their brethren in Scotland, for a conduct which entitles them to the approbation of all wise, and the support of all brave men, are sentenced to Botany Bay; a punishment hitherto inflicted only on felons.

" Resolved, That we see with regret, but we see without fear, that the period is fast approaching when the liberties of Britons must depend not upon reason to which they have long appealed, nor on the powers of expressing it, but on their firm and undaunted resolution to oppose tyranny by the same means by which it is exercised.

" Resolved, That we approve of the conduct of the British Convention, who, though assailed by force, have not been answered by arguments; and who, unlike the members of a certain assembly, have no interest distinct from the common body of the people."

What is the tyranny exercised by the regular government of the country, but the means of the application of force of the government in support of it's acts? The tyranny then that the government makes use of by the application of the force of the country in support of it's functions is now to be resisted.

The first resolve is in the minutes thus, *that as allegiance and*

pro-

protection are reciprocal, law ceases to be an object of obedience, whenever it becomes an instrument of oppression.

Couple that as it stood with the third resolution, and what is it, but that to those who do not protect, no allegiance is due; and we see it with regret, but we see it without fear, that we must oppose those who do not protect us, because to them no allegiance is due.

You will find that it stood in the original minute, thus: *that Englishmen are determined to vindicate Scotchmen at the hazard of their lives.*

Then you will find the last resolution comparing the gentlemen of the House of Commons with the Convention of Scotland, resolving, that they approve of the conduct of the British Convention, who, though assailed by force, have not been answered by argument, and, who unlike the members of a certain assembly, have no interest distinct from the common body of the people, who being the incorrupt representatives of many thousands, have spoken the language of truth and firmness. And I make this account the instrument of conveying to the public, and I do most anxiously wish it may, that the public may understand what it is that men mean when they are distributing these libels through the country.

This Convention, say they, assailed by force, has not been answered by argument. How could they be answered by argument, who came to solemn and secret resolutions which they do not dare to state on their own proceedings; thus working under ground till they blow up the country with its inhabitants, and then, Now, say, we have done well, you cannot say we have done ill, because you cannot tell on what principle we act.

On the 28th of January there is a letter written by Margarot to the person that stands at the bar, in which is the following, "We have just received notice to hold ourselves ready to depart at an hour's notice. Look out for us, Thomas Hardy, immediately."

You will likewise find that a letter sent from Margarot to Hardy is of great consequence, as it explains many passages in the evidence between the 20th of Jan. 1794, and the time that these persons were apprehended. Margarot writes from Edinburgh in this manner: "Armed associators are I conceive set on foot by the rich, wherefore should not the poor do the same? are you to wait patiently till twenty thousand Hessians come to cut your throats?"

On the 20th January 1794, there was a meeting at the Globe Tavern, that meeting which you will permit me to observe, Hardy, in his letter of the 11th of January 1794, which I have before spoken of, alluded to when he said the London Corre-

sponding Society were to have a General meeting and an Anniversary Dinner.

The proceedings of that day will deserve your very particular attention.

The following is a copy of the said printed paper.

" At a general meeting of the London Corresponding Society, held at the Globe Tavern, Strand, on Monday the 20th day of January, 1794; citizen John Martin in the chair; the following address to the people of Great Britain and Ireland was read and agreed to.

" CITIZENS,

" We find the nation involved in a war, by which, in the course of one campaign, immense numbers of our countrymen have been slaughtered; a vast expence has been incurred, our trade, commerce, and manufactories, are almost destroyed, and many of our manufacturers and artists are ruined, and their families starving.

" To add to our affliction, we have reason to expect, that other taxes will soon be added to the intolerable load of imposts and impositions with which we are already overwhelmed, for the purpose of defraying the expences which have been incurred, in a fruitless crusade, to re-establish the odious despotism of France.

" When we contemplate the principles of this war, we confess ourselves to be unable to approve of it, as a measure either of justice or discretion;—and if we are to form our calculation of the result, from what has already passed, we can only look forward to defeat, and the eternal disgrace of the British name.

" While we are thus engaged in an expensive and ruinous foreign war, our state at home is not less deplorable.

" We are every day told, by those persons who are interested in supporting the *corruption* list, and an innumerable host of *sine-cure* placemen, that the constitution of England is the perfection of human wisdom; that our laws (we should rather say, THEIR laws) are the perfection of justice; and that *their* administration of those laws is so impartial and so ready, as to afford an equal remedy, both to the rich and to the poor; by means of which we are said to be placed in a state of absolute freedom, and that our rights and liberties are so well secured to us as to render all invasion of them impossible.

" When we ask, how we enjoy these transcendent privileges? we are referred to Magna Charta, and the Bill of Rights; and the glorious Revolution, in the year 1688, is held out to us, as the bulwark of British liberty.

" CITIZENS,

"CITIZENS,

"We have referred to Magna Charta, to the Bill of Rights, and to the Revolution, and we certainly do find that our ancestors did establish wise and wholesome laws: but we as certainly find, that, of the venerable constitution of our ancestors, hardly a vestige remains.

"The only chapters of the great charter, which are now in legal existence, are the 14th and 29th.

"The important provision of the 14th chapter runs thus:

"A freeman shall not be amerced for a small fault, but after the manner of the fault: and for a great fault after the greatness thereof, saving to him his contenance; and a merchant likewise, saving to him his merchandize; and any other's villain than our's shall be likewise amerced, saving to him his wainage; and none of the said amerciements shall be assessed, but by the oath of honest and lawful men of the vicinage."

"But by the usurped power of the judges, in assessing fines (and what fines!!) in the cases of misdemeanour; this glorious right of the subject, of having these fines assessed by the Jury, (the only possible protection from slavery and the vilest oppression) is unjustly and infamously ravished from us.

"The provision of the 29th chapter runs thus:

"No freeman shall be taken or imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed; nor we will not pass upon him, nor condemn him, but by the lawful judgment of his peers, or by the law of the land. We will sell to no man, we will not deny, or defer to any man, either justice or right.

"The various methods now in constant practice, by which the benefits of this provision are totally defeated and destroyed, might induce us to suppose, that the Great Charter has been repealed; if we did not assuredly know, that it is the fundamental basis of our constitution; which even the Real Representatives of the people (much less the miserable nominees of Hellstone and Old Sarum) have not the right, nor (as we trust it will be found by experience) the power to repeal. Yet what do we find in practice? unconstitutional and illegal Informations Ex Officio, that is, the arbitrary will of the king's attorney-general, usurping the office of the Accusing Jury; and the interested oath of a vile common informer, with the judgment of as vile a common trading or pensioned justice, substituted in the room of our birth-right, an impartial trial by our country.

"Add to this, that the exorbitant expence of judicial proceedings, the novel practice of arbitrarily and repeatedly annulling the verdicts of Juries, and the dilatory practice of the

courts, most openly and shamefully contradict the clause which forbids the denial, the delay, and the sale of justice.

"A man accused of Felony (for which, by the common law of England, his life and goods are forfeited) may be bailed on finding two sureties for forty pounds each; but upon a charge of misdemeanor by words only, bail to the amount of one thousand pounds has been demanded.

"Upon conviction also for such misdemeanour, enormous fines, long and cruel imprisonments unknown to our antient laws, and unsanctioned by any new statutes, have of late (and but of late) been too frequently and too oppressively inflicted. And all this, although by this Bill of Rights it is declared, that "excessive bail shall not be demanded, or cruel and unusual punishments inflicted."

"If we look to Ireland, we find that acknowledged privilege of the people to meet for the support and protection of their rights and privileges, is attempted, by terror, to be taken away by a late infamous Act of Parliament: whilst titles of honour?—No, but of dishonour—are lavished; and new sources of corruption opened, to gratify the greedy prostitution of those, who are the instruments of this oppression.

"In Scotland, the wicked hand of power has been impudently exerted, without even the wretched formality of an Act of Parliament. Magistrates have forcibly intruded into the peaceful and lawful meetings of freemen; and, by force, (not only without law, but against law) have, under colour of magisterial office, interrupted their deliberations, and prevented their association.

"The wisdom and good conduct of the British Convention at Edinburgh has been such, as to defy their bitterest enemies to name the law which they have broken; notwithstanding which, their papers have been seized, and made use of as evidence against them, and many virtuous and meritorious individuals have been, as cruelly as unjustly, for their virtuous actions, disgraced and destroyed by infamous and illegal sentences of transportation. And these unjust and wicked judgments have been executed with a rancour and malignety, never before known in this land; our respectable and beloved fellow-citizens have been cast fettered into dungeons amongst felons in the hulks, to which they were not sentenced.

"CITIZENS,

"We all approve the sentiments, and are daily repeating the words, for which these our respectable and valuable brethren are thus unjustly and inhumanly suffering. We too associate in order to obtain a fair, free, and full representation of the people

people in a house of real national representatives. (Did not the Convention at Edinburgh associate for to obtain a fair, free, and full house of National Representatives? They associated as if they were the people, and they were to associate themselves with societies in England, and to form themselves as delegates of these societies, to do what? to meet as an assembly, which assembly was to controul the operation of Parliament, until the force of this body so met should destroy them.) Are we also willing to be treated as felons, for claiming this our inherent right, which we are determined never to forego but with our lives, and which none but thieves and traitors can wish to withhold from us? Consider, it is one and the same corrupt and corrupting influence, which at this time domineers in Ireland, Scotland, and England, (that is, the persons meeting in the regular execution of their functions, and their offices as magistrates). Can you believe that those who sent virtuous Irishmen and Scotchmen fettered with felons to Botany Bay, do not meditate, and will not attempt to seize the first moment to send us after them? Or if we had not just cause to apprehend the same inhuman treatment; if, instead of the most imminent danger, we were in perfect safety from it; should we not disdain to enjoy any liberty or privilege whatever, in which our honest Irish and Scotch brethren did not equally, and as fully participate with us? Their cause then and our's is the same. And it is both our duty and our interest to stand or fall together. The Irish Parliament and the Scotch Judges, actuated by the same English influence, have brought us directly to the point. There is no farther step beyond that which they have taken. We are at issue. We must now chuse at once either liberty or slavery for ourselves and our posterity. Will you wait till barracks are erected in every village, and till *subsidized* Hessians and Hanoverians are upon us?

"You may ask perhaps, by what means shall we seek redress? (This society asked the same question in August 1792, and they asked the same question in April 1793; the same answer was given in August 1792, the same answer was given in April 1793. It is not by the King, it is not by the Parliament, but it is by a Convention of ourselves and our societies; but they supposed that the time was now come to do which they were not virtuous and courageous enough to do in 1793.) You may ask, &c.

We answer, that men in a state of civilized society are bound to seek redress of the grievances from the laws, as long as any redress can be obtained by the laws. But our common master whom we serve (whose law is a law of liberty, and whose service is perfect freedom) has taught us not to expect to gather grapes from thorns, nor figs from thistles. We must have redress

dress from our own laws, and not from the laws of our plunderers, enemies, and oppressors."

They go on to say, "*There is no redress for a nation, circumstanced as we are, but in a fair, free, and full representation of the people.*" And here again I ask, What is the fair, free, and full representation of the people? no mention being made here of *in Parliament*, but by those that approve of the British Convention, a Convention, which, by the force of its own authority, was to declare the natural, unalienable, and imprescriptible rights of man. What are we to understand from those that take on them to unite the two nations of England and Scotland, and declare their meeting to be a British Convention uniting the two nations, and that body formed by delegates of different societies in this and that country? I say this, that this is the species of Convention, which, in their opinion, (and I think no man can doubt it) was the fair, full, and free representation of the people, in which they hope, and hope alone for redress.

Could it be possible for them to suppose, even if they made parliament the willing or unwilling organ, could it ever enter into their thoughts, that these, that they call their plunderers, enemies, and oppressors, would ever become the voluntary or involuntary instrument of doing that which was the object of the existence of all these societies, from March 1791, till in the apprehension of these persons they were checked in the execution of their purpose?

They now pass on to several Resolves.

"Resolved, That during the ensuing session of Parliament, the general Committee of this Society do meet daily, for the purpose of watching the proceedings of the Parliament, and of the administration of the government of this country. (This was to be published for the sake of doing this business, and is followed up with this resolution, which I have stated to you was so solemnly made and so sacredly sworn.) And that upon the first introduction of any bill, or motion inimical to the liberties of the people, such as, for *landing foreign troops in Great Britain or Ireland*, for suspending the *Habeas Corpus Act*, for proclaiming *Martial Law*, or for preventing the people from meeting in Societies for Constitutional Information, (now they abused the terms they used, you must think by this time,) or any other Innovation of a similar nature, that, on any of these emergencies, the general Committee shall issue summonses to the delegates of each division, and also to the secretaries of the different societies affiliated and corresponding with this society, forthwith to call a general Convention of the People, to be held at such place and in such a manner as shall be specified in the summons, for the purpose of taking such measures into their consideration.

"Resolved,

"Resolved, That the preceding address and resolution be signed by the chairman, and printed and published.

"J. MARTIN, Chairman.

"T. HARDY, Secretary."

Now what is this, supposing nothing had passed in Scotland of what I have stated to you? Is the rule and government of this country reduced to this state, that it shall find no protection in the administration of the law of the country against persons associating and affiliating themselves for the purposes they have declared here? Is no motion to be made in parliament for a bill, for any of the purposes here specified? Is no motion to be made in parliament for a bill which these societies chose to complain of, under the terms of any other innovation of a similar nature, without explaining what it meant; but what? that bodies of men are to come together claiming to themselves, that which exists in the natural and physical quality of the people, and then to declare and pretend that they have got a Convention of the people. Have they got the people with them? here is nothing like it; yet here they call themselves the Convention of the people, the meaning of which, take it altogether, is this; from your laws, the laws of your plunderers, enemies and oppressors, we can expect no relief, therefore we do not mean to come to you; but we will watch you, and if you dare an innovation of any sort, we shall call a fair, free, and full representation of the people by summonses issued to the delegates of these societies.

Then, gentlemen, they publish their resolves, that 100,000 copies of the Address to the People of Great Britain and Ireland, voted at the general meeting, be printed and distributed by the society.

And then they follow this up with the publication of a great many toasts; and where one mentions such a thing as toasts, one is afraid of the subject sinking into insignificance: it is no great part of the case, and yet it was thought of importance enough to sit once or twice to form toasts that would be best calculated to inflame the minds of the people, and to urge those forward that were not in this project. Accordingly it was the custom of the London Corresponding Society, as well as the Society for Constitutional Information, to give toasts, such as, Success to the arms of freedom, wherever directed! Against whom were the arms directed? The application of this phrase is obvious, with respect to his Majesty, when we reflect, that it was drank by those who had said the Elector of Hanover may do what he pleases, but if the King of Great Britain dares to go to war, we know what we are to do.

Other

Other toasts were drank, such as, Citizen John Paine; John Frost; the virtuous and spirited citizens now in confinement for matters of opinion; and may we shew them by our conduct that they are not forgotten. These matters of opinion are all taken in acts of detail.

Gentlemen, the name of Mr. Frost being mentioned, it is to the purpose of this business to take notice, that he was prosecuted in this country for these words, *no King, no parliament, liberty, equality*; he has been proved to be guilty of a great offence, he has suffered that punishment which the law inflicted, and has made the atonement that the law required; but these gentlemen (who sent Mr. Frost and Mr. Barlow to France,) on his being prosecuted for his promulgation of the doctrine of no king, declare that they will sustain Mr. Frost in all his prosecutions. Is it no evidence what the intention of these were, who come to a resolution in which they declare, that the law, questioning the propriety of that kind of conduct, amounted to persecution, and say it ought not to have been done?

These toasts were drank, Mr. Martin being then present with Mr. Hardy, a delegate, attending member; I will give you now his account of this proceeding of the 20th of January 1794, in his own hand writing, in a letter directed to Maurice Margarot; at Edinburgh, who before had wrote, that two months in Scotland would do the business, provided they would do the business in England. Martin tells him we had a meeting on Monday, *I was in the chair, every thing was well conducted, regularly, and the proceedings were tolerably bold. Mr. Hardy has sent you a copy of the address and resolution. The King went yesterday to meet his parliament.* (So now, gentlemen, we have got no parliament of our own.) *The society increases rapidly.* (You will observe the words, gentlemen,) *the society is increasing rapidly, both in spirit and in number, and the rich begin to come among us.* I could write to you strange things, but I know not but it may be read by somebody before it come to your hands.

After this had past, you will find that that letter was written by the London Corresponding Society to the Society for Constitutional Information, which I first mentioned to you on the 27th of March 1794, and now, by your leave, I will read a part of it again.

I should tell you first, in order of time, that the Society for Constitutional Information distinctly adopted that paper of the Corresponding Society as their own; they ordered it to be entered on their books, and fully took it to themselves, as if it had been concerted at a conjunctive meeting of them both.

Well then, the London Constitutional Society having adopted it as their own, it would be surprizing indeed, if the convention, which

which they there speak of on the 27th of March, should be of a different nature than that which they agreed to on the 20th of January, and with that I come to the letter of the 27th of March. (See JORDAN'S *Second Report of the House of Commons*, p. 106.)

In this letter there can be no doubt what they meant by a speedy revolution; but it is not left there, for in the third resolution, they state that there ought to be immediately a convention of the people by delegates deputed for that purpose, by the different societies of the friends of freedom assembled for that purpose.

Now, Gentlemen, to whom is this proposed? to that Constitutional Society who had adopted that resolution of the 20th of January 1794, and who had said at the 20th of January 1794, redress was not to be taken by the laws of England, but by their own laws, and not those of their plunderers, enemies, and oppressors.

What observation follows on this? this follows on it, that couching the thing in terms that are a little ambiguous, but which no human being, judging honestly, could doubt the meaning of; they do mean there should be this convention to supercede the powers of the nation, having all political and physical authority, and then they form of the two societies, a Committee of Correspondence for the purpose of bringing forward that convention, without which they had said Britons could not enjoy their liberty.

Gentlemen, when I lay this evidence before you, I shall have yet to learn, why this is not a step taken to the constituting of a body, or a step towards the means of constituting a body, or another body than that established by the constitution of this country; and which other body was (like the convention mentioned in the speech of Barrere,) to supercede the established legislature, and to depose the King, as the indictment expresses it, against the will and in defiance of the parliament. I say to depose the king, for if these people have sovereign power, and they must have it on their own principles, the King of England cannot have it as he has now; he was bound to resist, he was sworn to it by the solemn obligation of his coronation oath; see it otherwise you cannot, if you contemplate those consequences which must accrue to the life of the King, he being bound to resist such attempts for the sake of his subjects, and for the sake of his oath, in acknowledging, according to the terms of that oath, to rule agreeable to the statutes of parliament.

You find further, that there was a meeting at Chalk Farm, and when the minutes of that meeting are read to you, you will see that that meeting was a step taken in the functions of that joint Committee of Correspondence between the two societies,

for the exprefs purpose of trying the tempers of the people, seeing what they could do by numbers: and it is very remarkable that that meeting, which was held here on the 14th of April 1794, was also held in divers other parts of this kingdom, as appears more particularly from a letter found in the possession of the prisoner. As there was a meeting in the open air at Chalk Farm, so, gentlemen of the Jury, they were not wanting elsewhere, doing the best they could to bring their purposes to bear, by which you may see it required vigilance, it required the interposition of some strong hand in parliament to interpose. There was a meeting held at Leeds, Wakefield, Birmingham, Bristol, Newcastle, Nottingham, and many other places; and it will be proved to you, that the prisoner at the bar sent a circular letter to the remotest parts of the kingdom, for the purpose of carrying into effect the project of a British Convention, which had been defeated indeed, but the evil was carrying on it's purpose by secret measures, precisely the same way as that that had existed; and you will find accordingly, that the prisoner at the bar writes these letters to all these societies in the country, and the addressing these letters to all these societies, shews that the convention to be called, was not to be a convention of the people, but a convention of delegates of these societies assuming the character of the people. He now writes to them, the critical moment is arrived. In 1793, his language is, men are not virtuous enough, they are not courageous enough. In 1792, they expected nothing from parliament, but they did not go to other powers, they expected every thing from societies at that time.

Then they state when that time, the fulness of time is come, the critical moment is arrived, and Britons must either assert with zeal and firmness their claim to liberty, or yield without resistance to the chains that ministerial usurpation is forging for them. Then they say, "Will you co-operate with us in the only peaceable measure that now presents itself, with any prospect of success? We need not intimate to you that, notwithstanding the unparalleled audacity of a corrupt and overbearing faction, which at present tramples on the rights and liberties of the people, our meetings cannot in England be interrupted without the previous introduction of a convention bill?" (There was the reason, they thought, for the convention being permanent.) "A measure which it is our duty to anticipate (mark these words, our duty to anticipate; gentlemen, what was their object? why, they were instantly, upon the project of such a bill being mentioned in Parliament, as they before had stated, to declare their sittings permanent, solemnly viewing that moment, when such a bill as that would be brought in, which they would resist to the hazard of their lives; then, Gentlemen, what do they mean to do here? while yet the bare expectation of it existed, they hold it

it their duty to anticipate, and to anticipate it by the same means, by a convention of the people; a convention of these societies sitting, not at Edinburgh, not at a place that they durst name, but for the purpose of conducting this business, kept secret, that the project might not be disappointed: then they say, we must, however, be expeditious, Hessians and Austrians are already among us, (they were in the hospitals,) and if we tamely submit, a cloud of these armed barbarians may shortly be poured in upon us; let us form then another British Convention. (What was it, a Convention of the People? and a Convention that was to assume controuling power over the Legislature?) We have a central situation in our view, which we believe would be most convenient for the whole island; but which we forbear to mention, intreating your confidence in this particular, till we have the answer of the societies, with which we are at correspondence: let us have your answer then by the 20th at farthest, earlier if possible; whether you approve of the measure, and how many delegates you can send, with the number, if possible, of your society.

Let me ask now, Was this to be a Convention of the People, or a Convention of Societies, assuming the character of the Convention of the People?

Now let us observe how near this project was being carried into effect; let us have your answer by the 20th at farthest; and then, as in the British Convention, all things were to be conducted by the Secret Committee! So here the letter concludes: We have appointed a Secret Committee for this business,—you will judge how far it is necessary for you to do the same.

Then we come to the proceedings at Chalk Farm. And when it was stated at Chalk Farm that the Friends of the People would not agree in the measure of holding a convention; it met with a universal groan, the company at least amounting to a large body of men, I dare say about two thousand.

At the end of the minutes of the meeting, you will find there is subscribed a small note, in the hand-writing of the prisoner at the bar.

Soon after that, the business was broke up by the apprehension of the prisoner and others, which has led to the means of this prosecution.

Gentlemen, I have before told you that I conceived that it was incumbent on me to shew the conduct of persons who were the parties engaged in the conspiracy. Now, Gentlemen, you will find that one of those persons who attended this meeting on the 20th of January, 1794, was a very active member in this London Corresponding Society, and likewise one of the Committee of Correspondence and Co-operation: he himself gives this account of the proceedings of the 20th of January 1794, and other

circumstances. It is Mr. Thelwall; he says, *I have been for four or five months almost the sole labourer, the only avowed Sans Culottes in the country. I tell you in plain terms, I am a republican, a downright Sans Culotte.* And he says to the person to whom he writes, *You have too much veneration for property, too much religion, and too much law.*

Having now gone through the written evidence, I have now to state to you the parole evidence; not indeed the whole, for that will be received better from the witnesses. You will find on this part of the case, that after the dispersion of the British Convention in Edinburgh, after it was seen that the law was strong enough to beat down a conspiracy of that kind, acting by their mere naked numbers, they conceived it became then necessary to act with arms.

Now, Gentlemen, on that part of the case where a general conspiracy of this sort is established amongst affiliated societies, existing in Scotland, Sheffield, Norwich, Manchester, and various parts of the kingdom, all aiming at the same end, all acting on the same principles, all involved in the same project, namely, the having a Convention from different parts of the united kingdoms. It would seem odd, that in these different parts of the kingdom, in Sheffield, Scotland, and in London, we should find arms of a sort and denomination, not lately heard of in this country, nor in these later times, except as existing in France.

But you will find from the evidence that I have to offer to you, and you will not be surprized if I should tell you, that in the pockets of some of the persons mentioned in this indictment, parties in this conspiracy, in these very acts of forming the committee of correspondence and co-operation, (and it will be laid before you, that it was distributed in more places than in the London Corresponding Society,) was a paper, in the form of a play-bill, wherein was represented, on the 4th of April, 1794, to be performed the Guillotine, or George's Head in a Basket, a paper in which that sacred person is contemptuously spoken of, as well as all dignified orders, under a ludicrous representation of them to their country, were doomed to the lamp-irons to suspension. But this is not to be wondered at, if you could find that Mr. Thelwall could retire from Chalk Farm, and taking up a pot of porter, and cutting off the froth with the knife, say, *Thus I would serve all Kings.*

If you believe such language as this can be used, you will not be surprized to find pikes with these men and their associates; nor will you be surprized to find muskets with these men and their associates.

Do not let us be puzzled with the great doctrine of the Bill of Rights, that every man has a right to provide himself with

with arms for his own defence, but the question of the Jury will be to say what they had them for.

Now you will find, that Mr. Yorke, who was a member of the London Constitutional Society, will be proved to you as stating, that he was going among the Sons of Liberty, in Belgium, to bring into this country the true defenders of Liberty; afterwards you find, that he had been propagating at Sheffield, the same as these other societies had been at London, namely, that it was necessary that the people should arm; hence you will find, that at Sheffield, pikes are made, and they inform the prisoner at the bar that the pikes are made, and he delivers letters, informing those who wanted them, that they may furnish themselves with them in Green-arbour-court, or some other place in this town; I think that there may have been a large import of pikes into this part of the country. But that is not all, you will find that these ideas of arms were carried further. You will find there was a plate shewing the manner of the military exercise, which was engraved and published with explanations, and that some of the members formed a society at Lambeth, for the very purpose of practising military exercise; small indeed in their beginning, but that is not to the point. You will also find that the prisoner gave to Mr. Edwards a direction where he might furnish himself with pikes from Sheffield, and he gave an order to Mr. Williams for some muskets, for the use of this society, with this restraint, that he should not become employed unless he became a member with them. You will find accordingly that they drill at particular places. You will likewise see what is natural enough if it should happen after you find a resolution entered in the book of the society for Constitutional Information, that there should be a black book to enter in it the names of the enemies of their country, and at which you will not be surprized at finding persons in these affiliated societies, holding conversation about seizing the most august person in the kingdom, of seizing the most august personages in the legislature, and persons in the House of Commons, and by means of which they could know their situation and their purpose.

On the whole, I shall submit this written evidence to you, calling the parole evidence to prove a great part of the case, calling some witnesses who were persons employed by government to watch over the proceedings of these Societies, and therefore became privy to some of their transactions. Indeed government would have been wanting to itself, if knowing that there existed such Societies who were actuated by such designs, they had not taken some means of precaution in order to defeat their mischievous intentions.

I think also at Sheffield they had got to making an instrument called a Night Cat, the use of which was to annoy the horses,
by

by running into their feet, thus preventing them from going forward. If government knew of these projects going on in this country, it would have been very blameable indeed if it had hesitated to make use of some of these men, to know what really was going forward.

It is the great province of a British Jury that it is able, (and God forbid that these projects should ever give the reflection, that a British Jury are not able,) to give all due attention to the evidence, and see what credit is to be given to the witnesses who come before them.

I have forgot to mention to you that you will likewise find, that about the time that this Convention was thought of, there was a new Constitution to be thought of for these Societies. You will find in this new Constitution to be framed, they speak of a Royalist as an enemy to the liberties of his country, and a Democrat as a friend to the liberty of his country, and the whole was thrown into such a scheme and system, as was to add physical strength to the purposes of that Convention which was to assume political and civil authority.

If you find from all these circumstances under the direction of the Bench, that the Charge amounts to High Treason, and the Constitution is reduced to a miserable pass indeed, if the respect due to the administration of the law is suffered to be robbed in any manner; if you find that to be the case, you will do that which is your duty on behalf of the public, which is due to yourselves, to the public, to your posterity, in pronouncing him guilty.

But if on the other hand, after hearing his case fully stated and fully attempted to be proved, you are of opinion it is not proved, or that the offence is not made out according to the allowed interpretation of the statute of Edward the III^d. I say in conclusion, I join in the prayer which the law makes, that in that case God send the Prisoner a good deliverance.

Thomas Maclean sworn.—Examined by Mr. Bower.

Q. What are you?

A. I am one of his Majesty's messengers.

Q. Did you go at any time to the house of Mr. Thomas Adams, in Tooke's-court?

A. I did.

Q. What did you seize, books or papers?

A. Books and papers, both.

Q. When did you go there?

A. On the 12th of May last.

Q. What

Q. What did you do with the papers and books you seized there?

A. I kept them in my possession till I had marked them all.

Q. Will you look at this letter, and tell me whether this is one of the papers? (*A paper shewn him.*)

A. This is one, by the mark on it, it is a letter of Mr. Hardy's, dated 27th of March, 1794.

Alexander Grant sworn, and examined by Mr. Bower.

Q. Do you know the prisoner at the bar, Thomas Hardy?

A. Yes.

Q. Do you know his hand-writing?

A. Yes.

Q. Have you ever seen him write?

A. I have.

Q. Look at that letter, and tell me whether you believe it to be of his own hand-writing?

A. I have never seen this letter, I cannot say whether this letter is or is not his hand-writing.

Q. Do you believe it, according to the best of your belief, that it is his own hand-writing?

A. I really cannot take on me to swear that it is.

Q. You are not asked to swear, you are asked as to your belief.

A. I believe it is, but I cannot swear it is.

Mr. Bower. You are asked for no more.

Mr. Hardy's Letter, March 27, 1794, was now read by the Clerk of the Court, as follows:

" March 27, 1794.

" To the Secretary of the Society for Constitutional Information.

" CITIZEN,

" I am directed by the London Corresponding Society to transmit to you the following resolutions to the Society for Constitutional Information, and to request the sentiments of that society respecting the important measures which the present juncture of affairs seems to require. The London Corresponding Society conceives that the moment is arrived, when a full and explicit declaration is necessary from all the friends of freedom, whether the late illegal and unheard-of prosecutions and sentences shall determine us to abandon our cause, or shall excite us to pursue a radical reform with an ardour proportioned to the magnitude of the object, and with a zeal as distinguished on our parts as the treachery of others in the same glorious cause is notorious.

terious. The Society for Constitutional Information is therefore required to determine whether or no they will be ready, when called upon, to act in conjunction with this and other societies to obtain a fair representation of the people; whether they concur with us in seeing the necessity of a speedy Convention, for the purpose of obtaining, in a constitutional and legal method, a redress of those grievances under which we at present labour, and which can only be effectually removed by a full and fair representation of the people of Great Britain. The London Corresponding Society cannot but remind their friends, that the present crisis demands all the prudence, unanimity, and vigour, that ever was, or can be exerted by men or Britons; nor do they doubt but that manly firmness and consistency will finally, and they believe shortly, terminate in the full accomplishment of all their wishes.

"I am, fellow citizen, (in my humble measure)
a friend to the Rights of Man,
T. HARDY, Secretary."

"Resolved unanimously,

"I. That dear as justice and liberty are to Britons, yet the value of them is comparatively small without a dependence on their permanency; and there can be no security for the continuance of any right but in equal laws.

"II. That equal laws can never be expected but by a full and fair representation of the people. To obtain which, in the way pointed out by the Constitution, has been, and is the sole object of this society. For this we are ready to hazard every thing, and never, but with our lives, will we relinquish an object which involves the happiness, or even the political existence of ourselves and posterity.

"III. That it is the decided opinion of this society, that to secure ourselves from future illegal and scandalous prosecutions, to prevent a repetition of wicked and unjust sentences, and to recall those wise and wholesome laws that have been wrested from us, and of which scarcely a vestige remains, there ought to be immediately a Convention of the people, by delegates deputed for that purpose from the different societies of the friends of freedom assembled in the various parts of this nation. And we pledge ourselves to the public, to pursue every legal method speedily to accomplish so desirable a purpose."

P. S. (*This struck through.*) I have to inform you that a general meeting of the society will be held on Monday the 14th of April, the place to be announced by public advertisement.

"It was resolved by the Society for Constitutional Information, That their secretary should assure the London Corresponding

ing Society, that they heartily approved of their intentions, and would co-operate with them in obtaining an object of so much importance to the peace and happiness of society. And that he also request the London Corresponding Society to send a delegation of it's members to confer upon the subject, with an equal number of the Society for Constitutional Information.

" A meeting of the delegates from the two societies being held, they came to the following resolutions.

" Resolved,

" First, That it appears to this committee very desirable, that a Convention or general meeting of the Friends of Liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people.

" Second, That it be recommended to the Society for Constitutional Information, and London Corresponding Society, to institute a regular and pressing correspondence with all those parts of the country where such measures may be likely to be promoted, not only to instigate the societies already formed, but to endeavour also to produce such other associations as may further the general object.

" Third; That it appears to this committee, that the general object would be promoted if a standing Committee of Co-operation between the two societies were established, for the purpose of holding personal communication with such members of similar societies in other parts of the country, as may occasionally be in London, and who may be authorized by their respective societies to act with such Committee."

" The above resolutions being reported to the Society for Constitutional Information, it was by them resolved, that the same should be entered on their books as part of the proceedings of the society; and the Committee of Correspondence was appointed, to co-operate with the Committee of the London Corresponding Society, in conformity with the third resolution.

" Resolved, That it is fit and proper, and the duty of this society, to send an answer to the London Corresponding Society:

" Ordered, That the secretary acquaint the London Corresponding Society, that we have received their communication, and heartily concur with them in the objects they have in view; and that, for the purpose of a more speedy and effectual co-operation, we invite them to send to this society, next Friday evening, a delegation of some of their members."

JOHN GURNELL sworn.

Q. What are you?

A. I am one of the King's messengers.

Q. Did you at any time go to the house of Mr. Hardy?

A. Yes. I, and Mr. Lauzun, had a warrant from the Secretary of State, and we went to his house and searched some papers.

Q. Did you mark the papers you seized?

A. I did.

Q. Be so good to look at that, and see if that is one that you seized.

A. Yes, it is.

Q. (To Mr. Grant.) Do you believe that to be the prisoner's hand writing?

A. I really cannot speak to belief, this is different to what I saw before.

Q. Do you believe it to be the hand writing of the prisoner?

A. Yes. I believe it is.

Mr. Erskine. Did you ever see him write?

A. Yes, several times.

(The letter read by the Clerk of the Court.)

"Friday, April 4, 1794. A conference with the Society for Constitutional Information; present, Adams secretary, Kyd, Holcroft, Joyce, Wardle, Sharp. From the London Corresponding Society, Moore in the chair, Baxter, Lovatt, Hodgson, Thelwall, Hardy secretary. Upon a motion being made for communicating to the committee, the letter of communication from societies in the country, to the London Corresponding Society; Resolved, That the delegates be requested to communicate all the information they can at the next meeting, relative to the state of the different societies associated for obtaining a fair representation of the people. Adjourned to Monday evening, No. 2, Beaufort's Buildings, Strand, (Struck out.) Robin's Coffee-house, half past seven o'clock. (No. 2, Beaufort's Buildings, is in a different hand writing.)"

Court. Let Mr. Shelton mark the papers with his name and number.

Q. (To Maclean.) Is this one of the papers that you took from Martin's house? (Another paper shewn him.)

A. It is.

Q. (To Grant.) Do you believe that to be Mr. Hardy's hand writing?

A. Yes. It is the same hand as the other.

The

(The paper read by the Clerk of the Court.)

"CITIZEN ADAMS,

April 10, 1794.

I am ordered by the committee of delegates of the London Constitutional Society, to inform the Society for Constitutional Information, that they approve of the resolutions of the committee of conference; therefore the London Corresponding Society have chosen Mr. John Baxter, Mr. Richard Lovatt, &c. to put in practice immediately the second and third resolutions of that committee.

(Signed)

T. HARDY, Secretary."

Q. *(To Mr. Gurnell.)* Is that one of the papers that you found at Mr. Hardy's house? *(A paper shewn him.)*

A. It is.

(The paper read by the Clerk of the Court.)

(Preamble.) "A parliamentary reform is that, which of all other things, in our opinion, mostly deserves the attention of the public. We are more and more convinced from every day's experience, that the restoring the right of voting universally to every man not incapacitated by nature for want of reason, or by law for the commission of crimes, together with annual elections, is the only reform that can be effectual, &c.

"This plan of the London Corresponding Society, for the purpose of promoting a reform in the representation of the people, and for shortening the duration of parliament, was, to form societies that should branch off into dozens, each branch not to exceed twenty; the members to pay one penny per week, or thirteen-pence per quarter, to defray the expences of printing and postages, as they could only hope to obtain their object by enlightening the people; and also resolved, that a committee be appointed to correspond with the various societies in the country."

Mr. Erskine, here, on behalf of himself, addressed the Court, that he might have some indulgence of the Court in regard to the arrangement of these papers that were produced, and that they might be permitted to take copies of them for the benefit of the prisoner's defence. He observed, that they had applied to the Privy Council, and they referred them to the Counsel, and that they referred him to your Lordships. But they were too long acquainted with their profession, to make such a ridiculous request, because they had no right to do it; they most undoubtedly should expect that the Court would sit later than eight o'clock to-morrow, by an hour or two. They declared upon their honour, they had no desire to trespass on the time and patience of the Court, and had no desire on earth but to do their best to do justice to the person for whom his Lordship hath assigned them for.

Lord President. We certainly shall be disposed to give counsel all reasonable opportunity to make the best defence they can do. I observe the most important papers are published, and are before you. With regard to them, there will be no difficulty; we shall see to-morrow what papers they will read. I shall certainly agree that you have a reasonable time allowed. With regard to the Privy Council, 'tis not the practice of the Privy Council to make such orders, I believe.

EDWARD LAUZUN sworn.

Q. What are you?

A. I am one of his Majesty's extraordinary messengers.

Q. Did you at any time go to the house of Thomas Hardy?

A. Yes, about the 12th of May.

Q. Did you seize any papers there?

A. Yes, a vast many.

Q. Is that one of them that you seized?

A. Yes, Sir.

Q. You have marked it?

A. Yes, I have written my name on them all.

Mr. Grant examines it.

Q. Do you believe that to be the hand-writing of Mr. Hardy?

A. Yes, I believe it to be the same writing as the other.

(*The letter read by the Clerk of the Court.*)

Indorsed, Copy of a Letter to Mr. Buchanan, at Edinburgh, August 20, 1792, and signed Thomas Hardy, Secretary.

"SIR,

"I am directed by the London Corresponding Society to send a few copies of their address and resolutions to the Society, for a Reform in Parliament, represented at Edinburgh; likewise I have to inform you of their wish to enter into correspondence, and have close connection with your society; as our cause is one, so our sentiments ought to be known to each other, that we may act with one heart in a matter of such vast importance. We began this society January 1791, and since we published our declarations and resolutions, we have increased so rapidly in number and respectability, that we are under the necessity of dividing into different companies, to meet at separate houses, and each division sends a delegate, as a committee to transact the business of the whole society. The inclosed paper will inform you more fully of the principles we set out upon; be so good as to deliver them to the President or Secretary of your society; as I know you are a friend to freedom, you will endeavour to promote the union of many societies; for by uniting societies, we shall become

come strong, and a three-fold cord is not easily broken. I am,
Sir, your most humble servant,

Aug. 20, 1792.

THOMAS HARDY, Secretary."

Q. (*To Lauzun.*) Is that the other paper you found in his
possession? (*A paper produced.*)

A. Yes, it is.

(*Read by the Clerk.*)

Signed Thomas Hardy, Secretary, Sept. 4, 1792. Indorsed,
Mr. Samuel Jackson, Secretary to the Manchester Constitu-
tional Society.

" SIR,

" The London Corresponding Society have this day recom-
mended me to acknowledge the receipt of your favours on the 14th
of May, and to return their thanks to the Manchester Constitu-
tional Society, for the readiness they express to enter into a cor-
respondence with us, as also for the books of rules, &c. that ac-
companied your letter. We should not have so long delayed
profiting by their condescension, had any thing worthy commu-
nication occurred: the first opportunity that offered we eagerly
seized, and beg your acceptance of the inclosed, a thousand
copies of an address to the public, which we hope will meet with
your approbation. I have the pleasure of informing you, that
our Societies increase daily, and that the people in general begin
to divest themselves of their deep-rooted prejudice; the public
minds attend more calmly and attentively to proposals for a par-
liamentary reform; most men see the necessity of it, but not
fully; many are yet over cautious in engaging their assistance
towards it. However, I believe I may venture to assert, that
personal interest will soon give way to public good.

I am, Sir, your very humble servant,

T. HARDY, Secretary."

Q. (*To Mr. Lauzun.*) Is that one of the papers you received
from Mr. Hardy?

(*Read by the Clerk of the Court.*)

Indorsed, To Mr. Favell, Chairman of the Borough Society,

August 23, 1792, signed Thomas Hardy, Secretary.

A. Yes, it is.

(*A Letter read, in which was the following.*)

" SIR,

Monday, Aug. 23, 1792.

" The London Corresponding Society herewith transmit to the
Society of the Friends of the People fifty copies of an address to
the inhabitants of Great Britain, on the subject of a parliamentary
reform. We were in hopes that, as both our societies professed
to have the same object in view, the delegates would visit our
committee,

committee, as agreed upon in our last, as it may strengthen our common cause, by a closer union, and freer communication of our mutual endeavours. We are, however, inclined to hope their absence hath not proceeded from a diminution of friendship towards the Society, in whose name we have the pleasure of subscribing ourselves,

MAURICE MARGAROT, Chairman;
THOMAS HARDY, Secretary.

Q. (*To Lauzun.* *A paper shewn him.*) Where did you find this paper?

A. This is another paper that I found in the possession of Hardy.

Q. (*To Grant.*) Do you believe that to be Hardy's handwriting?

A. I believe it to be the same as the others; I cannot swear to it.

(*A Letter read, in which was the following.*)

Copy of a Letter to Major Cartwright, Chairman of the London Constitutional Society.

"SIR, August 23, 1792.

"In hopes that our zeal for the advancement of the cause of freedom, &c. the London Corresponding Society takes the liberty of transmitting to the Society for Constitutional Information, a few copies of an address to the inhabitants of Great Britain, on the subject of a parliamentary reform; it is found to contain nothing repugnant to sound reason or justice; if it is so maintained as to meet the approbation of the London Constitutional Society, our honest, though feeble endeavours, we shall deem ourselves amply rewarded. With deep respect and esteem we have the honour to be for the London Corresponding Society,

MAURICE MARGAROT, Chairman;
THOMAS HARDY, Secretary.

Q. (*To Lauzun.*) Look, is that the address that was found in the custody of Hardy?

A. I found it in his house; it is an address to the London Corresponding Society, reprinted, and distributed gratis.

(*The Address read by the Clerk of the Court,*) in which they state that man, individual man, may justly claim liberty as his birth-right, and that he for himself and posterity gave up certain of his rights, in order to secure the possession of his remainder, and voluntarily yielded up so much of the remainder for the general good, that he may not part with the whole, &c. and further asserted, that reform was their object, which they

they were desirous to obtain only by the arms of reasoning, and by persuading the people to concur in petitions to parliament.

Q. (To Lauzun.) Did you take that at Mr. Hardy's?

A. Yes.

Q. (To Grant.) Look at the hand, and see if that is Mr. Hardy's hand-writing, whether you believe it?

A. I cannot say it is his.

Q. Do you believe it to be his?

A. I assure you it is so different from the other hand.

Q. Do you believe it or no?

A. I do not believe it.

Mr. Bower. It was found in his custody.

(Read by the Clerk of the Court.)

Indorsed, A Copy of a Letter to Stockport, dated Sept. 11, 1792.

"To Mr. N. Hibbert, President of the Society of Friends of Universal Peace and the Rights of Man.

"I am directed by the London Corresponding Society, united with a view of obtaining a parliamentary reform, to inform you that they read with great satisfaction, papers of the last week, of a society being collected at Stockport, and seize with joy the first opportunity of commencing an acquaintance and correspondence with men who act on a similar plan with themselves; they therefore have ordered me to transmit to you, Sir, as President, a few copies of their address to the nation on that subject, and to invite you to similar communications on your part, always remembering that union, good order, and numbers, are absolutely necessary to our success, &c. We began to associate last January, and since the late proclamation we have increased rapidly.

I am, Sir, your very humble servant."

Mr. Bower. (To Lauzun.) Did you find that (a paper shewn him) at Mr. Hardy's?

A. Yes, I found it in Mr. Hardy's possession.

(Read by the Clerk of the Court.)

Indorsed, Stockport, Sept. 17, and directed to the Friends of Universal Peace and the Rights of Man. (See page 103 of this work.)

Q. (To Lauzun. A paper shewn him.) Where did you find that?

A. I do not know whether I found it in the bureau or in the shop.

Q. Did you find it at Hardy's, the prisoner's?

A. Yes, I did.

(Read by the Clerk an answer to the foregoing, dated Oct. 11, 1792.)

(See page 105 of this work.)

Mr.

Mr. SAMPSON WOODFALL sworn.

Q. Are you acquainted with Mr. Horne Tooke's hand-writing?

A. Yes.

Q. Will you be so good as to look and see if any part of that is his hand-writing?

A. The main part of it I do not think is in Mr. Horne Tooke's hand-writing: but there is an interlineation in it, and an addenda to it, which, as far as a similarity of the hand will go, I believe to be his hand-writing.

Q. You have seen him write?

A. Yes, Sir.

Q. Which are the words in his hand-writing?

A. The word *things* over the first line, the word *incapacitated*, and the word *for*.

Q. Do you believe it to be his?

A. I do believe it to be his. The addenda is purely his; but it is written perhaps at a tavern, in that loose hand which people are apt to write, when they are not at their desks; but I think it is his character.

Q. (*To Mr. Maclean*) Look at this—(*a paper shewn to him*) Where did you find that paper, Mr. Maclean?

A. This I found also in Mr. Adams's possession.

Q. (*To Mr. Grant*) Look at that signature, and see if it is Mr. Hardy's hand-writing? Do you believe it to be his hand-writing?

A. I am inclined to think so.

Q. Do you believe so?

A. Yes, I do.

(*The paper was read by the Clerk of the Court.*)

Thursday, Oct. 11, 1792, signed, Thomas Hardy, Secretary, addressed to ——— Adams, Esq. Tooke's Court, Chancery Lane.

" SIR,

" Your favour of the 3d instant, informing us that our proposal for addressing the French National Convention had met with the approbation of the Society for Constitutional Information; we have inclosed you a copy of the address we have drawn up and mean to send, the Society at large having approved of it.

" Not in the least presuming to propose it for the adoption of your Society, ourselves will joyfully throw it aside, and as readily subscribe to any production of yours better calculated to answer the purpose, and less unworthy being presented to so august an Assembly.

" Should no other be produced, we imagine this plain but honest

next address will be adopted by some other Societies, in concurrence with our own, and, respecting the manner of signing, of conveying, and of presenting it, your better experienced advice will greatly oblige, gentlemen,

Your very humble servant, for the Committee of
the London Corresponding Society,

MAURICE MARGAROT, Chairman."

Thursday, Oct. 11, 1792.

_____, Sec.

" FRENCHMEN,

" While foreign robbers are ravaging your territories under the specious pretext of justice, cruelty and desolation leading on their van, perfidy with treachery bringing up their rear, yet mercy and friendship impudently held forth to the world as the sole motives of their incursions, the oppressed part of mankind, forgetting for a while their own sufferings, feel only for yours, and with an anxious eye watch the event, fervently supplicating the Almighty Ruler of the Universe, to be favourable to your cause, so intimately blended with their own. Frowned upon by an oppressive system of controul, whose gradual but continued incroachments have deprived this nation of nearly all its boasted liberty, and brought us almost to that abject state of slavery from which you have so emerged, five thousand British citizens, indignant, manfully step forth to rescue their country from the opprobrium brought upon it by the supine conduct of those in power; they conceive it to be the duty of Britons to countenance and assist, to the utmost of their power, the champions of human happiness, and to swear to a nation proceeding on the plan you have adopted, an inviolable friendship; sacred from this day be that friendship between us, and may vengeance to the uttermost overtake the man who, hereafter, shall attempt to cause a rupture,

" Though we appear so few at present, be assured, Frenchmen, that our number increases daily. It is true, that the stein uplified arm of authority at present keeps back the timid; that busily circulated impostures hourly mislead the credulous; and that court intimacy with avowed French traitors has some effect on the unwary and on the ambitious; but with certainty we can inform you, friends and freemen, that information makes a rapid progress among us; curiosity has taken possession of the public mind; the conjoint reign of ignorance and despotism passes away; men now ask each other what is freedom, what are our rights? Frenchmen, you are already free, and Britons are preparing to become so. Casting far from us the criminal prejudices artfully inculcated by evil-minded men and wily courtiers, we, instead of natural enemies, at length discover in

Frenchmen our fellow-citizens of the world, and our brethren by the same Heavenly Father, who created us for the purpose of loving and mutually assisting each other, but not to hate, and to be ever ready to cut each others throats at the command of weak and ambitious kings and corrupt ministers:—seeking our real enemies, we find them in our bosoms, we feel ourselves inwardly torn by, and ever the victims of a restless and all-consuming aristocracy, hitherto the bane of every nation under the sun. Wisely have you acted in expelling it from France.

“ Warm as our wishes are for your success, eager as we are to behold Freedom triumphant, and man every where restored to the enjoyment of his just rights, a sense of our duty as orderly citizens forbids our flying in arms to your assistance; our government has pledged the national faith to remain neutral—in a struggle of liberty against despotism, Britons remain neutral! O shame! but we have entrusted our king with discretionary powers, we therefore must obey,—our hands are bound, but our hearts are free, and they are with you.

“ Let German despots act as they please, we shall rejoice at their fall, compassionating however their enslaved subjects. We hope this tyranny of their masters will prove the means of re-instituting, in the full enjoyment of their rights and liberties, millions of our fellow-creatures.

“ With unconcern, therefore, we view the elector of Hanover join his troops to traitors and robbers; but the king of Great-Britain will do well to remember that this country is not Hanover—should he forget this distinction, we will not.

“ While you enjoy the envied glory of being the unaided defenders of freedom, we fondly anticipate in idea, the numerous blessings mankind will enjoy. If you succeed, as we ardently wish, the triple alliance (not of crowns, but) of the people of America, France, and Britain, will give freedom to Europe, and peace to the whole world. Dear friends, you combat for the advantage of the human race—how well purchased will be, though at the expence of much blood, the glorious unprecedented privilege of saying, mankind is free—tyrants and tyranny are no more—peace reigns on the earth, and this is the work of Frenchmen.

“ Resolved, That the thanks of this society be given to the London Corresponding Society for the above address, transmitted by them; and that the Secretary acquaint them this society do highly approve of the spirit of the same.”

Q. (To Lauzun.) Where did you find that paper? (*a paper shown him.*)

A. I found it at Mr. Hardy's house; indorsed, London Constitutional Society, received the 16th of October 1792, answered

swered 18th ditto, addressed Maurice Margarot, Esq. Chairman to the London Corresponding Society, dated 15th of October 1792.

"SIR,

"Your favour of the 11th instant, an address of the London Corresponding Society was read at a meeting of the Society for Constitutional Information, held last Friday, and I am desired to express their thanks for the said address, and to assure them that they do highly approve of the spirit of the same.

"I have the honour to be,

"D. ADAMS,"

Secretary to the Society for Constitutional Information,
Took's Court, Chancery Lane, No. 36.

Q. (*A letter shewn to Lauzun.*) Look at that letter, where did you find that letter?

A. This I found in Mr. Hardy's house.

(*The letter read by the Clerk of the Court.*)

Indorsed 10th October 1792, to the Manchester Society, Mr. Tho. Walker, president of the Constitutional Society.

"SIR,

"Multiplicity of business has prevented our secretary from answering your kind favours of the 26th ultimo

"Here you receive our intended address to the French National Convention; if your Society approve of it and will join us, the manner in which you will do, so remains with you, but we imagine that the sending us back a copy of the address, signed by the president and secretary, stating the number for which they sign, will be sufficient for us to join.

"Your's,

"MAURICE MARGAROT, Chairman, &c.

"We mean to concert with the London Constitutional Society about the means of conveying it."

Q. (*To Lauzun*) Did you find this at Hardy's? (*a paper shewn him.*)

A. I did.

(*The paper read by the clerk of the Court.*)

Indorsed 11th October 1792. To the Revolutionary Society at Norwich.

"The L. C. S. have received your letter of the 6th instant, directed to their secretary, we are happy to learn your determination in favour of freedom, &c. we have determined on a friendly address to the French National Convention, we hope the concurrence of many societies, annexed, you have a copy of it, and it will be only necessary for you with speed to return us a copy of the address, signed by the president and secretary,

or by the delegates, stating the number of persons for which they sign for the committee of the London Corresponding Society.

"Your very humble servant,

"MAURICE MARGAROT, Chairman."

Q. (*To Lauzun—a paper shewn him*) Did you find this paper at Hardy's.

A. Yes, that is another of them.

(*Read by the Clerk of the Court.*)

Dated London, 19 Oct. 1792. Derby, The Society for Political Information, Mr. J. Air.

"SIR,

"With pleasure we receive your favours of the 16th instant, and return you thanks for the paper sent us, also for those for the new Society at Nottingham, &c.

"We cordially invite your Society and that of Nottingham to concur with us also in the same, which if you do we desire you will send us back a copy signed by the president and secretary of each society, and send back the number for which you sign for.

"Reason and good order must make us invincible.

"I am, Sir,

"For the London Constitutional Society, your's,

"MAURICE MARGAROT, Chairman.

"Please to let us have your's as soon as possible."

Q. (*To Lauzun. The paper shewn him.*) Was this letter in Hardy's custody?

A. Yes, it was.

(*Read by the Clerk of the Court*)

Dated London, Oct. 18, 1792; addressed to T. Adams, Secretary of the C—— S——.

"The L—— C—— S—— learn with pleasure, that the Society for Constitutional Information approve of the spirit of our address. But to come back to the point; we imagine that, as you approve of the measures, we may with propriety ask you, whether you will concur with us in sending that address, or whether you will draw up another better suited to the present circumstances, and permit us to join you to transmit it to the National Convention?"

Q. (*To Lauzun. The paper shewn.*) Look at that, and see if that is one you found at Hardy's?

A. Yes, this is one that I found at Hardy's house.

(*Read by the Clerk of the Court.*)

Indorsed, Norwich, Society for Political Information, received 15 Nov. 1792, answered (blank), dated 11 of Nov. 1792, addressed to Mr. Thomas Hardy, to be left at the Bell, Exeter-street, in the Strand, London.

"Mr.

" Mr. SECRETARY,

" SIR,

Norwich, November 11th, 1792.

" We, the Society for Political Information, are desirous of holding and strenuously supporting the noble sentiments which you so lately and friendly dispersed among us; and as we so much admire your well adopted plan for a reformation of the state, permit us, with the utmost deference to your worthy society, to participate with you in all your great national correspondence, which your very name promises to maintain; and in consequence thereof, it is humbly desired, by the society which I have the happiness to represent, to incorporate three members with your worthy fraternity: in doing which I shall here inform you of their names and residence, which are as follow, ————

———. Our principal design in doing this, is, that we may have an opportunity of knowing more exactly what may be thought the most eligible steps to be taken in carrying on this great business of our associated brethren, and to have an opportunity to ask such sort of questions as may be thought very reasonable among the brethren; especially when we think that publications are covered with a sort of obscurity in it, as the Sheffield people's declaration, which seemed determined to support the Duke of Richmond's plan only; but since we find, in a printed letter received from them in a book, that they mean to abide by some moderate reform, as may hereafter be brought forward by the Friends of the People, which method is uncertain to us. Again we find that the Friends of the People, and the Society for Constitutional Information do not exactly agree: —we could be glad to know the reason. It seems to me as though the difference was this;—The Friends of the People mean only a partial reform, because they leave out the words expressing the Duke of Richmond's plan, and talk only of a reform; while the Manchester people seem to intimate, by addressing Mr. Paine, as though they were intent upon republican principles only; now, to come closer to the main question, it is only desired to know whether the generality of the societies mean to rest satisfied with the Duke of Richmond's plan only; " Or whether it is their private design to rip up Monarchy by the roots, and place democracy in its stead." I shall now, Sir, give you an exact account of what plan I could wish to obtain, which I have already moved for at our general meeting, viz. a full and equal representation of the whole body of the people; a general suffrage of votes, and annual Parliaments. I remember the Society for Constitutional Information intimated to us that Mr. ——— used to write to them in the name of the Revolution Society: if you approve of that appellation, pray be so kind as to give

give us a full and satisfactory answer. I shall say no more at present, but remain a friend to peace, not to anarchy; a well-wisher to the Rights of Man, when obtained by consent; and your most obedient, &c.

"G. KNAPP, Chairman.

"P. S. I should be exceeding glad to know the residence of Lord Kenyon and Lord Loughborough for a matter of private concern."

Q. (*To Lauzun, the paper shewn him.*) Where did you find that paper? Did you take it at Hardy's?

A. Yes, this is one I found at Hardy's house.

(*Read by the Clerk of the Court.*)

Dated 26 November, 1792, signed, Maurice Margarot.

"FELLOW CITIZENS,

"Your letter of the 1th instant, was by the Secretary laid before the Committee of Delegates of the London Corresponding Society; the London Corresponding Society having never heard of your society, they wish to have some account of its origin, principal, and number of its members; they do not thoroughly comprehend how it would be possible to incorporate with our society, three of your members residing at Norwich, inasmuch as it would be impossible to communicate to them all, or correspondence.

"If it is communication you want, they will very readily answer any question that you put to them, and as to their object which they have in view, they refer you to their address, you will therein see that they mean to disseminate political knowledge, and thereby engage the judicious part of the nation, to demand a restoration of their rights and annual Parliaments, &c. the members of this Parliament owing their election to the unbought and equal unbiassed suffrage of every citizen; they consider the obtaining such a Parliament to be the ground-work of every necessary reform; to this therefore they steadily adhere, and turn themselves neither to right or to the left, to follow no other plan whatever, the rules and orders of their society being so plain and easy, that if they can get a majority of the nation to act as they do, the proposed reform will affect itself; they look upon the trifling difference that may have risen between the several societies as of no great importance; and think they will subside without any ways injuring the cause; they think it a matter of small importance of whatever name you chuse to adopt; they advise you, &c. to be careful, to preserve peace. Leave monarchy, democracy, and even religion, entirely aside; never dispute on those topics: let your endeavours go to encrease the number of those who wish for the full
and

and equal representation of the people, and leave to a parliament so chosen to form plans for remedying the existing abuses.

"Should they then not answer your expectations, at the year's end you may chuse others in their stead. The Committee offers you every assistance in their power, but request that your question may relate mostly to the methods of obtaining a parliamentary reform. Like yourselves, they are friends to peace, and not anarchy, and well-wishers to the rights of man.

"Yes, not so sanguine in their expectations as to imagine those rights will be surrendered by the spontaneous consent of those who have so long deprived mankind of them. Understanding that you have many Societies in Norwich, the committee recommend to you the plan before-mentioned of correspondence then carrying on. One by one, the committee will serve you all. They likewise recommend the appointment of one of the least conspicuous of your society to receive letters sent to your society, least if he be too well known, they may not come to hand, &c.

(Signed)

"MAURICE MARGAROT, Chairman."

Q. (*Mr. Garrow to Lauzun—a paper shewn him.*) Look at this; did you find that at Mr. Hardy's?

A. Yes, it is a letter, Feb. 1st, 1793, indorsed to "The Friends of the People."

(*The letter read by the Clerk of the Court.*)

"To the Committee of the Friends of the People,

"We are instructed by the Committee of the London Corresponding Society: We thank your society for your kind advice concerning peace, order, and obedience to the laws; we make them the foundation of our union, as our address sufficiently evince. We have never departed from legal obedience, which hath thereby frustrated the evil designs of all those which militate against a reform, &c.

"You acknowledge, that to wish success to the cause of freedom is congenial to the heart of a Briton; instead, therefore, of admitting your argument against our having published such sentiments, by a friendly address to the National Assembly of France, we must observe that at the time, when the enemies of mankind are using every effort to crush the infant French Liberty, it becomes our duty as friends to human happiness, to express the just abhorrence we entertain of a manifesto which we conceive is aimed not so much at the liberty of France, as at the liberties of the whole world; but to make any particular comments on that manifesto is now unnecessary, as it might be
unsafe;

unsafe; we only wish every Briton to peruse it. We almost wish you, and all other societies, and the whole nation, do not catch the flame, &c."

Q. (*To Lauzun—a paper shewn him*) Did you find that letter at Hardy's house?

A. Yes.

(*The letter read by the Clerk of the Court.*)

Indorsed February 15th, Signed Edward Curtis.

"SIR, *Prith-Street, Feb. 15th, 1793.*

"I am directed by the Society of the Friends of the People, to acknowledge the receipt of your letter dated 1st February, 1793. Having pledged ourselves by our public acts and documents to use every effort in our power for the purpose of obtaining a compleat, substantial, and radical reform of the representation of the people in Parliament, we never can be supposed to have surrendered to any other body of men the exercise of our own discretion with respect both to the plan which we deem most effectual for the purpose, and the time which we think most favourable for offering it to the public; at present we think, that to make public our views on these subjects, would be to furnish arms to our enemies, and to injure the cause in which we are engaged. The period, however, is probably not very far distant, when these particulars will be made known to the public; it is sufficient now to express our confidence that that moment will prove, by evidence more substantial than professions, that we will propose no plan of reform which is short of an effectual destruction of *abuses* in the representation of the people, and that we have honestly exerted every faculty we possess in chusing the time most favourable to the success of our plan.

"We have learned, with affliction and indignation, the arbitrary and unconstitutional interruption of meetings of citizens, peaceably and lawfully assembled, for the discussion and maintenance of their rights. We have ever viewed with utter disapprobation, both of their principles and proceedings, the associations who have been the authors or instruments of this persecution. Their principles, we think, are repugnant to the free spirit of the English law, and their conduct, we think, has been as injurious and oppressive as the principle of their institution is unconstitutional and absurd. But deeply penetrated as we are with these sentiments, we neither possessed power nor legal competence to interpose for the protection of an individual, suffering even under the most unjust persecution. We cannot, therefore, feel ourselves blameable for inaction in cases of which the particulars were never laid before us, and in which it might have been perhaps impossible, and perhaps improper, for us to have interferred.

"We

"We do not think it necessary to make any particular remarks on those publications which you have put forth. We are not called upon to pronounce any judgment on the publications of individuals or societies; and however we may lament the grievances of which some of your publications complain, our efforts must necessarily be limited to the object of our institution, the creation of an organ to speak the public voice in legislation.

"We cannot help expressing some surprize at the information that societies in different parts of the kingdom, who were solicitous about the nature and extent of our plans of Reform, instead of expressing such solicitude to ourselves, should have chosen the indirect and circuitous channel of any other Society. Had they applied to the Friends of the People directly, they would assuredly have received every information compatible with the prudence, and with a due regard to the success of our common cause.

"On the subject of your correspondence with the National Convention of France, we freely communicated to you an opinion in our last letter. We see no reason to change the sentiments which we then expressed on the prudence and tendency of that measure; for though we not only "acknowledge," but avow with pride, "that to wish success to the cause of *Freedom* is congenial to the heart of a Briton," yet we cannot think that men engaged in so momentous a cause as that of Parliamentary Reform are entitled to make public declarations, even of their most virtuous sentiments in any manner which may injure that cause, serve the purposes, and strengthen the pretences of its enemies. Far be it from us to treat with severity and rigour even those errors and indiscretions into which men may be betrayed by a generous zeal for the cause of freedom; but surely it cannot be denied, that the correspondence of societies in this country with public bodies in France has furnished the most specious pretences to interested men for confounding a virtuous sensibility to the interests of liberty in other countries, with a criminal intention to introduce disorder and civil commotion into our own; it is chiefly by the help of this pretext that designing men have so successfully practised on the alarms of the public, and that timid honesty has been rendered the dupe and the instrument of corruption. But on this subject all further remark is now become unnecessary, as every good citizen must now feel himself precluded from all political intercourse with France (for a period which we earnestly pray may be very short) by a war, the principle of which we utterly disapprove; the inevitable evils of which we deeply deplore; and at the possible consequences of which we tremble.

"Among the most wise and honest friends of liberty there must
Y
arise

arise frequent differences of opinion and of conduct; and these differences, the natural effect of an independent judgment and an independent spirit, are perfectly compatible with mutual confidence and co-operation. When indeed, designing persons avail themselves of such differences to sow distrust, and to insinuate suspicions against the characters and intentions of men, it is then only that they become pernicious and injurious. Against practices which might produce such a spirit of disunion and distrust it is surely almost unnecessary to warn the friends of liberty at a moment when our enemies are so formidable and so united.

“ They have sacrificed all inferior interests and all former differences to their common interest in perpetuating abuses and corruptions. Let it not be said, that more generous motives have a less powerful influence on the human mind, and that the love of liberty is not able to produce that union among her friends, which in her enemies has arisen from the most abject and fordid passions.

“ It seems scarce necessary to represent to the London Corresponding Society the peculiar necessity of circumspection and moderation, at a moment when the most venal indiscretion of the friends of reform is remarked with such malignant watchfulness, and converted into an argument against the cause of Reform itself.

“ He must surely either be a secret enemy, or an unsafe and pernicious friend of that cause, who could prompt you to any thing that could be construed into indiscretion, or who would labour to sow distrust among the small number of those who now appear in behalf of freedom in England, at a period when a persecution is carried on against the friends of Reform at home, and a war is commenced, which in its progress may combine the arms of England with those powers engaged in a crusade against the general liberties of Europe.

“ In name and by order of the Committee,

“ EDWARD CURTIS, Chairman.”

Directed to Mr. Hardy.

Q. (*To Lauzun—a paper shewn him.*) You found that at Mr. Hardy’s?

A. Yes; I did.

Court. What is that letter?

Mr. GARROW. It appears to be an answer to the last.

(*The letter read by the Clerk of the Court.*)

“ SIR,

“ The Committee of the London Corresponding Society have, at present, to acknowledge the receipt of your letter of the 15th of February.

“ With

“ With pleasure we perceive your society not unwilling to keep up a correspondence with us, yet, at the same time, we are sorry that you should appear to be hurt by the plain questions we put to you in our last—to ask of you what measures you mean to pursue in a matter which concerns us all, is certainly no ways calling upon you to surrender up to our society, or even to the public at large, your discretion—nor can we conceive that a body of men having pledged themselves to the public can be a sufficient security to that public to repose implicit confidence in them without being made further acquainted with the nature and extent of the plan you mean to pursue, in order that we the people may, if we approve it, co-operate with you—the extent of your proposed reform, we apprehend, is already determined upon, and we can discover no advantage likely to result from its secrecy—on the contrary, if *we* are to ask for ourselves the same thing which our friends mean to ask for us, the latter must receive their instructions from us, or we must be directed by them—in either case there must be no secrets. We further conceive, that the permanency of a reform must be founded on the acquiescence of the public, who, after maturely deliberating on every thing proposed, shall have found your plan the most useful and the best that could possibly be laid down.—The business we are engaged in is of too important a nature to admit of a reserve or disguise.—We will, therefore, by the frankness of our behaviour, shew ourselves worthy the friendship of a society of honest men endeavouring to serve their country, and plainly tell you, our country correspondents did not desire us to inquire of you what you meant to do, but fairly and bluntly asked us, whether we thought you honest? whether we thought you meant to serve a party or the nation? whether we imagined you intended a partial or a compleat reform? Addressed in this manner to us, and blunt as those questions may appear, they have nothing in them which can possibly offend you, the people having always an undoubted right to scrutinize the character and principles of them who call themselves their friends, and as such avow an intention of bringing forward measures in which we are all so deeply interested. As to the furnishing our enemies with arms by disclosure of our intention, we cannot conceive that demands founded on constitutional rights can lose any of their force by being made public. Reason (*vires acquirit eundo*) to triumph requires only to be known; and as none of the people’s demands are founded on fallacy, to take the enemy by surprize would be unworthy of the public champions, and, moreover, perfectly needless, when truth and reason must unavoidably bear down all before them without the assistance of guile.

"Under the idea, that were your say, "You neither possessed power nor legal competence to interfere for the protection of an individual suffering under the most unjust prosecution," you allude to the case of our bill sticker: We must beg to set you right, and to inform you we never, as a society, sought the interference of any body of men; on the contrary, we are firmly persuaded, however hard such cases may bear upon individuals, they will eventually prove of service to the public, nothing having a greater tendency towards rousing the country from its too prevalent apathy with regard to stretch of prerogative and abuse of power.

"As to our address to the F. N. C. we imagine it best to say no more about it at present, only that if it has furnished pretexts to designing men, it has only saved them the trouble of seeking excuses elsewhere; but such men, even without our aid, would have been at no loss; at the same time we are apt to believe the plan for war, if conceived before then, was by no means accelerated thereby—intended as preventatives, addresses might have been effectual if they had been more generally adopted; the only fault therein, that by a mistaken idea, the addresses gave credit to the nation for a greater degree of energy than it really possessed. We agree with you that unity of sentiment is no way incompatible with diversity of opinion, and that the latter is natural to independent minds; with the same object in view, their mode of pursuing it will undoubtedly differ;—with caution, therefore, we will watch over those who wish to sow the seeds of unnecessary distrust among us, and will at the same time take good care that the doctrine of implicit confidence may not gain ground among us. Full as much as yourselves we plead the necessity of union among the Friends of Liberty, but lament that it is prevented, or at least retarded, in many instances, by the same thing that promotes it among the enemies of Reform, namely, interest; with them all their interest is for the continuation of abuses, while to some of us a Reform must be attended with pecuniary loss, and many others would lose their employ, their daily bread, were it known they took an active part:—thus the same motive, assuming on one side the appearance of a virtue gives emulation to bad men, and on the other, in its vilest but most natural form, stays the progress of those who, with the best intentions, labour to save their country.

"We thank you for your kind and prudent advice, enjoining us moderation and discretion at this critical moment, when every imprudence in the advocate is liable to be rendered prejudicial to the cause itself."

4th March, 1793.

Q. (*To Lauzun—a paper shewn him*) Did you find this paper at Mr. Hardy's?

A. I did.

Q. (*To Grant*) I believe you, by business, are a printer.

A. Yes; I am.

Q. Did you, Sir, at any time—or when did you become a member of the London Corresponding Society?

A. About the beginning of the year 1792.

Q. In which of the divisions of that Society did you belong?

A. I think it was in No. 2.

Q. Where was the meeting of that division held?

A. At the house of Mr. Bell, in Exeter-street.

Q. Will you be so good as to name to us some persons who frequented those divisions?

A. There was Maurice Margarot, he was one; Mr. Hardy, Mr. Richter, Mr. Murry, and several others that I do not recollect, and a number of others.

Q. In what character was Maurice Margarot?

A. He appeared to me to be President of the division.

Q. Was you applied to at any of those meetings to print any paper for those divisions, or for the society at large?

A. No, I was not at that time.

Q. When was you applied to?

A. About the middle of the year 1792, and at the end of the year 1792.

Q. First, we will take the application in the middle of the year 1792.—By whom was that made to you?

A. By a Mr. Gow.

Q. He was also a member.

A. He was.

Q. Was that made by him in private, or at one of the division meetings?

A. Upon my word I do know positively; but I know I refused to print something that he shewed me.

Q. Did you afterwards print any thing for the society?

A. Yes; I printed a posting-bill: there was a Mr. Richter, during my absence, left a manuscript, I read it over with him, and agreed to print it—and I did print it.

Q. Did you ever see Richter at any of those meetings of the divisions to which the prisoner Hardy attended?

A. Yes.

Q. You say you undertook to print that which Richter applied for.

A. Yes; 500 copies.

Q. Who paid you for them?

A. Mr.

A. Mr. Hardy, the prisoner.

Q. Was there any directions given to you as to the time when they would be required to be done?

A. They were ordered to be done as fast as possible; and when they were done, I ordered them to be sent to Mr. Hardy; and I imagine my order was complied with.

Q. How soon after did you see him?

A. Two or three days after they were sent back again to my house.

Q. Did he pay you for those you sent unto him?

A. Yes.

Court. Were you paid before you ordered them to be sent to Hardy's, or after?

A. After.—They were returned the very same day they were sent.

Q. Do you, of your own knowledge, know what became of the papers after they came home to your house?

A. They were given by my warehouse-man to one Carter, to be put up in the street.

Mr. ERSKINE, Did you see it?

A. No.

Mr. BOWERS. Did you in point of fact know that any that you printed were posted up in the streets of this town.

A. I do not know; because I never see any, to the best of my recollection.

Q. Did you ever converse with Hardy respecting those papers?

A. Yes.

Q. Will you be so good as to tell us what past?

A. Mr. Hardy informed me that Carter had been taken up.

Q. You had given order to deliver things to Carter: was they in fact delivered out of your possession, after they were returned from Hardy's?

A. They were.

Q. After that, Mr. Hardy told you that Carter had been taken up.

A. He informed me so; and I told him I had heard that before.

Q. For what?

A. Putting up the bills in the streets.

Q. Where?

A. In this town.

Q. Do you know whether Carter was in prison, in fact, for posting these bills?

A. I heard so; I never see him in prison.

Q. Will you be so good as to look at this, and tell us, now whether that is one of the bills that you printed?

A. Yes

A. Yes ; I believe this is the very identical bill : I have no doubt about it.

Q. Had you any conversation with Mr. Hardy, respecting any other paper ?

A. I do not recollect.

Q. Did Mr. Hardy say any thing to you about any other paper ?

A. There was an order came to my house ; I do not know from whom, for one thousand large bills, and five thousand small ones.

Q. What conversation passed between you and him on that ?

A. Nothing ; but I refused to print them.

Q. How long did you continue a member of the society after you refused to print them ?

A. In fact I had not frequented the society some time before that ; I believe that was in the latter end of November, or beginning of December.

Q. You named Margat at one of these meetings ; in what character did he act ?

A. As president of the delegates.

Q. In what character did the prisoner Hardy act ?

A. A secretary of the society itself.

Q. Was there any secretary to the division ?

A. I do not know expressly ; for I only went twice or three times at farthest among the delegates.

Q. Where was it that he acted at ?

A. At Mr. Bell's, at the division society.

Court. Was you ever at a meeting of delegates ?

A. Yes ; once or twice.

(The bill read by the Clerk of the Court.)

Address of the London Corresponding Society to the other societies in Great-Britain, united for the obtaining a Reform in Parliament.

“ FRIENDS AND FELLOW COUNTRYMEN,

“ Unless we are greatly deceived, the time is approaching when the object for which we struggle is likely to come within our reach. That a nation like Britain should be free, it is requisite only that Britons should will it to become so—that such should be their will, the abuses of our original constitution, and the alarms of our aristocratic enemies, sufficiently witness. Confident in the purity of our motives, and in the justice of our cause, let us meet falsehood with proofs, and hypocrisy with plainness ; let us persevere in declaring our principles, and misrepresentation will meet its due reward—contempt.

“ In this view the artifices of a late aristocratic association, formed on the 20th instant, call for a few remarks, on account
of

of the declaration they have published relative to other clubs and societies formed in this nation. It is true that this meeting of gentlemen (for so they style themselves) have mentioned no names, instanced no facts, quoted no authorities; but they take upon themselves to assert that bodies of their countrymen have been associated, professing opinions favourable to the *Rights of Man*, to *Liberty* and *Equality*; and moreover, that those opinions are conveyed in the terms, *No King, No Parliament*.—So much for their assertions.

“ If this be intended to include the societies to which we respectively belong, we here in the most solemn manner deny the latter part of the charge, while, in admitting the former, we claim the privilege, and glory in the character of Britons. Whoever shall attribute to us the expressions of *No King, No Parliament*, or any design of invading the property of other men, is guilty of a wilful, an impudent, and a malicious falsehood.

“ We know and are sensible that the wages of every man are his right; that difference of strength, of talents, and of industry, do and ought to afford proportional distinctions of property, which, when acquired, and confirmed by the laws, is sacred and inviolable. We defy the most slavish and malevolent man in the meeting of the 20th instant to bring the remotest proof to the contrary. If there be no proof, we call upon them to justify an insidious calumny, which seems invented only to terrify independent Britons from reclaiming the rightful Constitution of their country. We admit and we declare, that we are friends to *civil liberty*, and therefore to *natural equality*, both of which we consider as the *rights of mankind*. Could we believe them to be “ in direct opposition to the laws of this land,” we should blush to find ourselves among the number of its inhabitants. But we are persuaded that the abuses of the constitution will never pass current for its true principles; since we are told in its first charter that *all are equal in the sight of the law*, which “ shall neither be sold, nor refused, nor delayed to any free man whatsoever.” Should it ever happen that “ right and justice” are opposed by expence, by refusal, or by delay, then is this principle of equality violated, and we are no longer free men.

“ Such are our notions of those rights which it is boldly maintained, “ are inconsistent with the well-being of society.” But let us not suffer men who avow no principles of liberty, whose favourite cry is inequality of property, to estrange others of our countrymen from aiding us in serving the community, and from recovering to the nation that share of its sovereignty which has unhappily been sacrificed to corrupt courtiers and intriguing borough-mongers.

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" If our laws and constitution be just and wise in their origin and their principle, every deviation from them, as first established, must be injurious to the people whose persons and property were then secured ; if at the revolution this country was adequately represented, it is now so no longer, and therefore calls aloud for Reform.

" If it be true that the people of Britain are superior to other nations, is it that our taxes are less burthensome ? or that our provisions are less expensive ? Is it from the various productions of our soil that we are rich ? Is it owing to the majority of our numbers that we are strong ?—Certainly not. France has the advantage in all these respects, and up to this period she has never been our superior in wealth, in power, in talents, or in virtue. But let us not deceive ourselves, the difference between us and that nation was formerly that our monarchy was limited, while their's was absolute—that the number of our aristocracy did not equal the thousandth part of their's—that we had trial by jury, while they had none—that our persons were protected by the laws, while their lives were at the mercy of every titled individual. We, therefore, had that to fight for, which to them was unknown—since we were men, while they were slaves.

" The scene has indeed changed—like our brave ancestors of the last century, they have driven out the family that would have destroyed them ; they have scattered the mercenaries who invaded their freedom, and have " broken their chains on the heads of their oppressors." If, during this conflict with military assassins and domestic traitors, cruelty and revenge have arisen among a few inhabitants of the capital, let us lament these effects of a bloody and tyrannous manifesto, but let us leave to the hypocrite pretenders to humanity the task of blackening the misfortune, and attributing to a whole nation the act of an enraged populace.

" As we have never yet been cast so low at the foot of despotism, so it is not requisite that we should appeal to the same awful tribunal with our brethren on the continent. May our enemies be written in sand, but may our rights be engraven on marble ! We desire to overthrow no property but that which has been raised on the ruins of our liberty. We look with reverence on the landed and commercial interests of our country ; but we view with abhorrence that monopoly of burghage tenures unwarranted by law or reason in this or any other nation in Europe.

" Let us then continue, with patience and firmness, in the path which is begun. Let us wait and watch the ensuing sessions of Parliament, from whom we have much to hope, and little to fear. The House of Commons may have been the source of our calamity, it may prove that of our deliverance. Should it not, we

trust we shall not prove unworthy of our forefathers, whose exertions in the cause of mankind so well deserve our imitation.

(Signed)

MAURICE MARGAROT, Chairman.
_____, Secretary."

London,

29th Nov. 1792.

Q. (*To Lauxun. A paper shewn him.*) Did you find that at Mr. Hardy's?

A. Yes.

(*Read by the Clerk of the Court.*)

It is a draft of a letter from Margarot, directed to William Canning, Shuttle, dated March 4, 1793.

"The London Corresponding Society have at present to acknowledge your last, and to answer more fully your preceding letter.

"With regard to petitioning Parliament, we are unanimous in the opinion, that such a petition will not produce a reform; yet from many considerations we are now persuaded, that if every society in the island will send forward a petition, we shall ultimately gain ground, forasmuch as it will force the present members of the Senate to repeatedly discuss the subject, and their deliberations, printed in the different newspapers, will most naturally awaken the public mind towards the object of our pursuit; the nation once informed that a Reform in Parliament is sought for from different quarters, gives rise to debates in the House of Commons, and is acknowledged by every rank to be wanting. will begin to exercise their own reason on the subject; arrived at that period, we presume our business will be nearly accomplished.

"Let us closely follow up our Nottingham brethren; let every society petition separately; let every week furnish a fresh petition, and afford a fresh debate;—we seek to open the eyes of the public: petitions on our part, and rejections on the part of the ministry, will effectually do it. We therefore highly approve of your idea, and will ourselves follow it up, and recommend it to all the other societies we correspond with; and withal we recommend to you that no time be lost in so doing.

"With you we lament the evils of an imprudent and inconsiderate war, a war rather eagerly fought for the advancement of private ends, than carefully deprecated from considerations of public good—a contest unfavourable to this country, whether either France or Despotism gain the upper hand. We join with you in gratitude to those worthy members of either house, who have endeavoured to avert this national calamity, to whom we have likewise returned our public thanks—and we remain with sincerity and affection,

Your friends and fellow labourers."

Q. (*To*

Q. (*To Lauzun. A paper shewn him.*) Do you know this letter?

A. Yes, this is one of them I found at Hardy's.

Q. (*To Grant.*) Do you believe that to be the hand writing of Mr. Hardy?

A. I believe it is.

(*Read by the Clerk of the Court.*)

Dated 17th of May, 1793, Thomas Hardy, Secretary, addressed to Mr. William Skirving. (*See page 118 of this work.*)

Q. (*To Lauzun. A paper shewn him.*) Do you know this?

A. Yes, I had it at Hardy's.

(*Read by the Clerk of the Court.*)

Dated 25th of May, 1793, signed William Skirving; to Mr. Hardy. (*See page 119 of this work.*)

Q. (*To Lauzun. A paper shewn him.*) Look at that letter.

A. I know it, I found it at Hardy's house.

(*Read by the Clerk of the Court.*)

" SIR,

10th June, 1793.

" It is with singular satisfaction the Committee of the London Corresponding Society received your letter; they are very glad to see the spirit of freedom springing up in Birmingham, and they make no doubt but that the zeal of your Society, and the increase of your numbers, will soon do away the stigma thrown on your town by the unjustifiable behaviour of a Church and King mob. We are entirely of your opinion with regard to the necessity of a general union; and we believe, as you do, that *when once the country shall have so united, the Neroes of the day will be forced to yield to the just demand of a long and sore oppressed people.*

" With pleasure we accept your proffered correspondence, and earnestly beg of you to let us hear from your Society by every opportunity. We wish likewise you would point out to us *some safe mode of conveyance* for such information and publications as we may think necessary to be transmitted to you. The post we no ways rely on, as many of our letters have already been intercepted.

" If any of the members of your Society should have occasion to visit this metropolis, we hope you will not let him come without a letter from you, and that while they stay here they will frequently *assist at the meetings* of our several divisions, and by thus associating, commence an union which we hope soon to see spread itself all over Britain.

" We will not enter into a detail of our grievances; we are equally well informed thereon, and all alike thoroughly convinced that nothing short of Annual Parliaments and Universal Suffrage can restore to us that degree of civil liberty we are justly entitled to, &c. &c."

Q. (To Lauzun. A paper shown him.) Look at this letter, you found it at Hardy's house?

A. Yes, I did.

(Read by the Clerk of the Court.)

Dated 25th June, 1793. signed H. Buckell, and directed to T. Hardy.

From the Political Societies of Norwich.

" SIR,

" I lately received your letter from Mr. ———, dated April 22d, which, through multiplicity of business, we have omitted to answer—I hope you will excuse the delay. *We also received your friendly letter, prior to that, wherein you stated three propositions; first, a petition to his Majesty, or to Parliament, or a National Convention, and ordered one of our committee to answer it;—should be glad if you will inform me whether it was attended to;—I gave my opinion on the subject to the Constitutional Society of London, and found their ideas congenial to my own, viz. an address to the King—futile; a petition to Parliament (as a conquered people)—tolerable; a National Convention (if circumstances admitted)—best of all.* To what an alarming crisis are we arrived—the Junto is formed and established,—the people become a prey, and (to adopt the phrase of an Hibernian apostate) are treated as the swinish multitude, except the privilege of fattening. Wars must commence at the caprice of individuals; people torn from their houses to be butchered; windmills must be attacked at the risk of being carried over and dashed to atoms; the nation drained of it's sustenance to support a league, &c. &c. &c. many epithets may with great propriety be applied, excepting such as Fox, Sheridan, Grey, Erskine, Landowne, Lauderdale, Stanhope, Paine, Priestley, Tooke, Wharton, Mackleod, Barlow, Mackintosh, Cooper, besides many who have suffered under the iron hand of, &c. and when the people have complained, and humbly requested a removal of abuses, they have been treated with insult. Alas! where is the majesty of the people? an indifferent observer would suppose it to center in stars and garters, ribbons and costly apparel, palaces, coaches, and horses, with all the trumpery of puerile amusement; and were it not for their accursed consequences, we could bear with it: but when we consider how many sweat and toil and starve to support it, how can we be persuaded but that there is a contrivance between the land owners and the merchant to hold the people in vassalage, for they eat up the people as they do bread? the influence of the aristocracy and hierarchy is become very alarming, for they have absorbed and swallowed up the people; but a rumour is spread from the south, and it is terrible to tyrants—it stings their mind—it galls their flesh, and like Palbur,

are a terror to themselves lest the people should assert their rights.
Your's, &c.

H. BUCKELL."

2. (To Lauzun. A paper shewn him.) Do you know that letter?

Mr. I found it at Mr. Hardy's.

Mr. Garrow read it; it is an answer to this last letter, dated 25th July, 1793; it is directed to Mr. Buckell. (See page 129 of this work.)

About half past eleven, Mr. Erskine said, that it was in his mind become necessary to pause, and to demand of the Counsel for the Crown if they had much more evidence to adduce, because if they had, it must be obviously incumbent on the Court to take into their consideration what course they were ready to pursue; he was ready to say for himself, that consistent with that justice that is due both to the Crown and to the prisoner, he was willing to go on, and confessed that he did not feel himself at all fatigued; but if they remained there any length of time, and if the evidence on the part of the Crown should go on to such an extent, as it would be almost impossible for their Lordships and the Gentlemen of the Jury to give any further attention; or if they were able to sustain that fatigue, their physical powers could not endure also the time necessary to hear and attend to the prisoner's defence.

The Lord President observed, that what was now hinted was of very great importance to the justice of the country, and certainly demanded consideration. What is your own judgment as to the course we ought to pursue?—Mr. Attorney General, have you nearly concluded?

Mr. Attorney General. Not half.

The Lord President. The present is a matter of most serious importance; the law and the invariable practice is, that after a Jury have begun to hear evidence on a criminal trial, they are not to be divided; and a single instance does not occur in a trial of this kind of any such separation. Nothing, indeed, could justify such a measure, but the most clear and manifest necessity; but that necessity must be so clear and so manifest, that the end of public justice could not be obtained without departing from the rule. I think a necessity to exist in every case, in which it shall appear that the case goes into such a length, that the attention of a Jury cannot be kept alive throughout, without some assistance, or some refreshment; and where, from that length of the cause, they cannot have that assistance from the Court, which, by the law, they are entitled to; and provided that necessity is apparent in this case, I shall certainly readily incline to enter into a consideration of the question, whether we ought to adjourn, and in what way it could be done.

I know

I know, in point of fact, there was an adjournment in one criminal case, a case of misdemeanour ; and there has been a doubt started in that case, whether, though the Court adjourned, the Jury were not kept together ; but I think there is one circumstance that makes it apparent to me, that in truth they could not be kept together during the whole of that time, because in that circumstance the Court went over an entire day, at two different times of hearing that cause ; and I have no imagination that in a complete adjournment the Jury could have been kept together all that time. I do not know, and I am not satisfied myself, that in strict law there is a clear distinction between cases of allowing a Jury to separate in cases of misdemeanour, and in cases of a capital offence, and that the rule of law is not general ; I believe really the law extends to all cases where a Jury is once charged. There are but few traces on the books of this sort. In the 14th of Henry VII. there was a question of this sort debated in the Exchequer Chambers, the Jury having separated in consequence of a violent storm, and they afterwards returned again, and delivered their verdict ; and the principal doubt then was, whether the whole was not vitiated, as one of the Jurymen had received some refreshment from a friend of one of the parties : however, that case was never decided. I do not know there are any other cases in which the question has been much agitated. If the Counsel for the prisoner make the application to the Court on the grounds of necessity, interesting to the prisoner, and if the prosecutor consent to that application, on such grounds as are proper to influence the judgment of the Court, it seems to me that some way or other an adjournment should take place. I find no difficulty with regard to the Court ; the difficulty is with regard to the Jury ; regularly and properly, undoubtedly the Jury ought to be kept together.

In civil cases there have been a great number of instances wherein they could not agree ; and it was not uncommon in cases of variance amongst the Jurors, to remove them from one place to another ; as for example, to bring them to town. But in these cases, there was always an hostal provided for them, and they were kept separate from others, under an officer. I have made some inquiry what might be done, and the Sheriffs, who had foreseen the possibility of the case, did propose that they would endeavour to accommodate the Jury in this house. Whether that can be done, or whether we can depart even from that strictness, which has ever been held as proper in these cases, and suffer the Jury to depart to their own houses, on the application of the prisoner, and the consent of the prosecutor, taking their word of honour, that they would have no communication with any body
on

on the subject of this trial, is a question which I would very much wish to hear.

Mr. Sheriff Eamer said that his colleague and he had made the best provision that the place would admit; they had prepared a room and beds.

Mr. Erskine said it would be difficult to figure a case of more delicacy than that in which he stood at that moment. The charge and the evidence against the prisoner had been given to the Jury when they were fresh, their minds attentive, and their powers in vigour; surely, in common justice, he ought to have the Jury as fresh and as capable of giving their attention to his defence; he could have no difficulty in saying, that the prisoner at the bar was perfectly safe in taking the sole word of honour of each gentleman of the Jury, that they would not be approached by any man living on the subject of this case; he was sure, if he could not have that confidence in their honours, he should have very little hope of addressing them with success in his defence, and he was persuaded that the prisoner at the bar had no objection to their being permitted to go home.

Lord President. The prisoner must ask it, it must come from him as an application.

Mr. Erskine. With all my heart; I certainly advise him to ask it, desiring only that the Jury should pledge solemnly their honour not to converse with any persons on the merits of the cause.

Lord Chief Baron Macdonald. The practice that the Jury should never separate was, that the Jury should give in their verdict without any bias on their mind; but after having superinduced such a case, in which justice cannot be done, that is, when the powers of the Jury, or the Bench, or the Witnesses, possibly are so exhausted, that justice cannot be done, the Court must certainly look to the prisoner in this case. The only thing I have a doubt about, is, whether, if we are under the absolute necessity of departing in some degree from the strict rule of law, we should depart from it as little as possibly could be.

Mr. Baron Hotham. The situation, as *Mr. Erskine* observes, is truly delicate for us all. No Jury ever did separate; and as consequences of the most important kind may follow from the measure, we ought to be careful. If I must speak my mind, the Jury should not separate, particularly as they may be accommodated in the house.

Mr. Alderman Newnham said, he recollected a Jury that were permitted to go home, pending a trial; he was sure of it, for he conversed with one of them.

Mr. Sheriff Eamer said that beds and mattrasses were provided for all the Jury.

Lord

Lord Chief Justice Eyre. Undoubtedly we ought not to strain the measure farther than the rigid necessity of public justice would bear them out; if the Jury can be accommodated, they ought not to be separated; and, Gentlemen, though it is an hard duty, you must submit to the inconvenience. Mr. Erskine, in making up the record, it must be all as if one day.

Mr. Erskine. Be it so, my Lord; I agree to whatever may best suit the ends of public justice.

It was settled, therefore, to adjourn the Court to eight o'clock next morning, and two officers were sworn to take the Jury to the apartments provided for them. Before rising,

Mr. Erskine stated, that the immense mass of papers which had taken Mr. Attorney General nine hours to go through, had been entirely kept from the prisoners, and from their counsel. They had been refused a sight of them by the Privy Council; they had been referred to the Crown, and by the Crown referred to the Judges. He thought it seasonable to say now, that when the Counsel for the Crown had gone through the whole, and had laid the body of their evidence on the table, he should request permission for an hour or two to cast his eye over the enormous mass before he opened his defence for the prisoner.

He trusted that as the prisoner had been deprived of all his papers, and as all access had been denied to them since, that they would not consider this as a great indulgence.—He had no desire to retard the proceeding. He had not shewn any such desire this day, for he had never once interrupted them in reading their volumes of papers; all he should require, was to look into the books of which his client had been deprived for an hour or two.

After some conversation, it was understood that such indulgence would be given.

At ten minutes past twelve o'clock the Court adjourned to seven in the morning.

[*End of the First Day.*]

WEDNESDAY

WEDNESDAY MORNING, OCTOBER 28, 1794.

THE Court opened exactly at eight o'clock.

Present, the Lord Chief Justice, Lord President, the Lord Chief Baron, Mr. Baron Hotham, Mr. Justice Buller, and Mr. Justice Grose.

Q. (*To Edward Lauzun. A paper shewn him.*) Did you find that among Mr. Hardy's papers?

A. No, it was found by Mr. Gurnell.

Q. (*To Mr. Gurnell.*) Did you find that among this prisoner's papers?

A. I found this among the papers in Mr. Hardy's possession.

(*The letter read by the Clerk of the Court.*)

Dated 5th of October, 1793. Signed Thomas Hardy; to Mr. Skirving, Edinburgh. (*See page 126 of this work.*)

THOMAS MACLEAN sworn.

Q. (*A paper shewn him.*) Did you find that at Mr. Adams's?

A. I found it at Mr. Adams's.

Q. (*To Grant.*) Look at the indorsement, and see whether you believe this to be the prisoner's hand writing.

A. I seem inclined to think it is.

Court. What is the indorsement?

A. The indorsement is, *To be returned to the Committee on Thursday next.*

(*Read by the Clerk of the Court.*)

Edinburgh, Oct. 5, 1793, signed W. SKIRVING, Secretary.

"BROTHER HARDY,

"The letter and these papers will explain themselves. I went to a meeting the day this mentions, and the determination of the association is universal suffrages and annual parliaments; and it was the unanimous desire and wish of that meeting, that two persons, if possible, should be sent from your societies in England, as delegates to meet our dear Northern friends in the ensuing Convention. I must desire that the wish of our friends may be complied with, &c.

"If any person could be elected, of sound principles, and a clear understanding, speaker, with a large head and a warm heart in the cause of freedom, having in view not his own aggrandisement, such a delegate would be of great service; he must be here the 29th of this month, as the Convention meets on that day, and if my poor services can be of service, as the other delegate, the London Corresponding Society may command me to support their interests as far as I am capable.

"Those who know me, know I am no speaker, much less an orator; but this I say, my heart lies in the right place, and I hate and abhor all despots.

"I am often with our friend Muir, he bears his confinement with a fortitude of soul, inspired with the genius of liberty.

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I have

I have much to say, but I must leave off ; this letter will be delivered by my servant, who must have a speedy answer, because of the approaching meeting here ; every thing I will communicate to you from time to time. Wishing success to all human butchers, I remember you, brother Hardy.

“ The friends of the people and of a parliamentary reform, in their general committee of the last meeting in May, unanimously resolved to support the cause which they have espoused, &c.

“ The several societies are now therefore called upon to meet, in their turns, with all convenient speed, for the purpose of electing and instructing their delegates in the next general meeting, associated for a general reform, &c.

“ The delegates will therefore come up to this meeting, unlimited as to the length of it's sitting, &c. For the friends of the people seek not their own reputation, but the universal good of all, &c.

“ The associated meetings in Edinburgh will advertise their place of meeting in due time.

(Signed)

W. SKIRVING.

“ Copy for the use of the different divisions of the London Corresponding Society.

JOHN PHILIP FRANKLOW, assistant Sec.”

Q. (*To William Scott.*) Will you tell us where you found that paper ? (*A paper shewn him.*)

A. It was found among the papers of William Skirving, secretary to the Convention at Edinburgh.

Q. (*To Alexander Grant.*) Will you tell us whether you believe that to be the prisoner's hand-writing ?

A. It is in the same predicament with the other paper ; I never saw it before.

(*Read by the Clerk of the Court.*)

London, Oct. 25, 1793, signed Thomas Hardy. Addressed to Mr. William Skirving, Head of the Horse Wynd, Edinburgh.

“ DEAR SIR,

“ According to promise, I have this day to acquaint you, that we had yesterday a general meeting of the London Corresponding Society, for the purpose of taking into consideration your kind intention of our sending two delegates to the Convention at Edinburgh. The society have made choice of Maurice Margarot and Joseph Gerald, who will be with you shortly. For the recital of curious incidents attendant on our meetings, I will refer you to the delegates themselves. Sir, I am your most respectful friend and well-wisher,

THOMAS HARDY, No. 9, Piccadilly.”

Q. (*To Scott.* *A paper shewn him.*) Tell us where that paper was found,

A. It

A. It was also found among Mr. Skirving's papers.

Mr. Gibbs. You found it yourself?

A. I did not; I shall explain the way they came into my possession: On the 4th of December, the proceedings of the Convention had attracted the notice of those in Edinburgh that had the charge of public affairs—

Mr. Gibbs. We only want to know whether you saw it found.

A. I did not see it found. There was a warrant issued, and the papers were brought from Mr. Skirving's lodgings to the office where Mr. Skirving was, in a bag.

Court. Then the first time you saw any thing of these papers was, when it was produced to the office, brought by a person in a bag?

A. Yes.

Mr. Erskine. That is no evidence.

Mr. Bower. And Mr. Skirving was present when it was opened?

A. Yes.

Court. He hath proved that a warrant having been issued to apprehend Skirving, there was a sealed bag brought to the office, and Skirving was present when the sealed bag was opened.

Q. (To Mr. Grant. *A paper shewn him.* Do you believe that to be the prisoner's hand-writing?

A. Yes, I believe it is.

Q. Do you know any of the others there mentioned?

A. I do not, I never saw any of the parties.

(*Read by the Clerk of the Court.*)

Dated "General Meeting, October the 24th, 1793. Articles of Instruction given to Citizen Joseph Gerald, delegate of the London Corresponding Society, to the ensuing Convention at Edinburgh, for the purpose of obtaining a thorough parliamentary reform.

"First. He shall not on any account depart from the original object and principles of this society, namely, the obtaining annual parliaments and universal suffrage, by rational and lawful means.

"Secondly. He is directed to support the opinion that representatives in parliament ought to be paid by their constituents.

"Thirdly. That the election of sheriffs ought to be with the people.

"Fourthly. That Juries ought to be chosen by lot.

"Fifthly. That active means ought to be used to make every man acquainted with the rights and duties of a juryman.

"Sixthly. That the liberty of the press on all occasions must be supported.

"Seventhly. That it is the duty of the people to resist any act of parliament, repugnant to the original principles of the constitution.

" Eighthly. That this society, considering all party names and distinctions as hostile to the general welfare of the people, do forbid their delegates to assume any thing of that nature.

" Ninthly. That the delegates shall be punctual and frequent in their correspondence with this society.

RICHARD HODGSON, Chairman,
THOMAS HARDY, Secretary."

Q. (*To Scott. Two other papers shewn him.*) Where did you find these?

A. These are two other papers which were found in the same manner; both these were found at the same time.

Q. (*To Mr. Grant. The papers shewn him.*) Look at them, and see if it is the signature of the prisoner?

A. It is the same as the other, I never saw them before.

(*The first paper read by the Clerk of the Court.*)

Dated October 24, 1793. " At a General Meeting of the London Corresponding society, held at Citizen Breillat's, Hackney Road. This is to certify, that Maurice Margarot was this day duly elected a delegate to the ensuing Convention to be held at Edinburgh, for the purpose of obtaining a thorough reform in parliament, and equal representation of Great Britain.

RICHARD HODGSON, Chairman,
THOMAS HARDY, Secretary."

(*The second paper read by the Clerk of the Court.*)

Dated Oct. 24, 1793. " At a General Meeting of the London Corresponding Society, held at Citizen Breillat's, Hackney Road. This is to certify, that Joseph Gerald was this day duly elected a delegate to represent this society in the ensuing Convention to be held at Edinburgh, for the purpose of obtaining a thorough reform in Parliament, and equal Representation of the People.

RICHARD HODGSON, Chairman,
THOMAS HARDY, Secretary."

Q. (*To Mr. Scott.*) Was this found in the same way?

A. Yes, at the same time and in the same manner.

Q. (*To Mr. Grant.*) Do you believe that to be the prisoner's hand writing?

A. Yes, I believe it is.

(*Read by the Clerk of the Court.*)

London, Nov. 8, 1793, signed Thomas Hardy, and addressed to Mr. Margarot and Mr. Gerald, delegates of London.

" FELLOW CITIZENS, London, Nov. 8, 1793.

" I duly received your favour of the 4th instant, and laid it before the Committee of Delegates last night, who were anxiously waiting for intelligence from Edinburgh, and were well satisfied with the agreeable account of the great number and zeal of the friends of freedom in Scotland.—That part of your letter which mentioned

mentioned your visiting different towns in Scotland, for promoting the cause—they were pleased with the idea, but they thought that it could not be put in practice on account of the necessary supplies, which come in but very slowly—it is to be mentioned in the different divisions.—We have elected ——— (by ballot) chairman of the committee for the remainder of the quarter—we have also appointed a Committee of Constitution, separate from the Committee of Delegates—one member is chosen from each division to meet on this night for the first time, and to be totally unconnected with the Committee of Delegates.—We still increase in number—and the address to the King, to put an end to the war, is ordered to be advertised to receive signatures—in the Courier, Chronicle, Ayre's Sunday Gazetteer, afterwards by hand-bills, &c. We have opened a correspondence with a new society at ———. I have to inform you of the wish of the society, that you would favour them with the number of delegates in the convention, and the number from England also, and how the civil and military power relishes your meeting. And that you would send such a report from the convention as might appear in the newspapers in London. Send me an Edinburgh Gazetteer, when there is any thing in it of importance. I would have sent you a Courier, but they informed me that they sent several to the coffee-houses and taverns in Edinburgh; for that reason I thought it unnecessary. I hope to have more time to write to you more fully next time. As Murray says the post is just going off, no more at present from

Secretary.

Addressed,

MR. MARGAROT, and } Delegates from
MR. GERALD, } London."

Q. (To Mr. Grant. A paper shewn him.) Do you believe that paper to be the prisoner's hand writing?

A. Yes, I believe it is.

(Read by the Clerk of the Court.)

Dated London, Nov. 15, 1793. Signed Thomas Hardy secretary, and addressed to Citizen Margarot, and Citizen Gerald, delegates.

" FELLOW CITIZENS,

"I received your official letter of the 7th and 12th, and Maurice Margarot's private letter all in due course. At the Committee of Delegates last night, after hearing the report of different delegates, the rapid course of new influx, there were several places mentioned for new divisions of the London Corresponding Society to meet at.

"Some have already taken place, others will next week. Your official letter was read and much approved of, and copies of

of it taken for the use of different divisions. It seems to be the general wish of the different divisions of the society for you to continue as long as you can be of use to the cause ; but it all depends on the thing necessary, money. We have hit on an expedient which we mean to put in practice in two or three days, that promises fair to bring in a considerable resource.

" I shall inform you of it in my next. Those whom you gave direction to call upon have fallen also far short of that liberality which you expected. The committee gave me orders to transmit to you twelve guineas. I have enclosed you a draft on Sir William Forbes and Company for that sum. There was another report of Mr. Frost being to be pillored on Tuesday or Wednesday ; but it happened on Wednesday, that Charles Leslie stood in the pillory for a crime too shocking to mention, &c.

" I have only given you a summary account of our proceedings, but you know how I am situated both in the day and in the evenings, that I cannot command a quarter of an hour to myself, therefore I hope you will excuse me for being laconic.

" I have made the situation of Mr. Muir as public as I can. I remain your fellow labourer in the good cause,

THOMAS HARDY, Secretary."

" P. S. Friend Margarot, I have not been able to do your business which you left for me to execute before you left London. I have not been able to see that Gentleman whom you mentioned in your last, neither do I expect that I shall this three weeks."

Q. (*To Scott. A paper shewn him.*) Were these two found in the same manner?

A. Yes, in the same manner and at the same time.

Q. (*To Grant.*) Do you believe that to be the prisoner's hand writing?

A. I believe it is.

(*Read by the Clerk of the Court.*)

London, Nov. 22, 1793. Signed Thomas Hardy, Secretary, addressed to Maurice Margarot and Joseph Gerald, Delegates.

" I duly received your letters of the 12th and 28th instant, which I laid before the Committee last night. After reading and deliberating on them maturely, they resolved that you should continue at your post till you hear from me officially, after the next meeting of the General Committee of the Delegates ; by that time we may form some idea what success we are likely to meet with ; from advertisements and circular letters, we entertain high hopes of being liberally assisted by the friends of freedom. A circular letter was ordered to be sent to the different Societies in England with which we correspond, inviting them to send delegates to Scotland. Your objection to forming a new Constitution, and your absence, was not by them reckoned well. It is very

very possible it will not be put in execution before your return, for it will be maturely investigated by all the divisions before it is agreed to. You will herewith receive a draft for 12*l.* 12*s.* on Sir William Forbes and Co. I will send you a few of the Englishman's Rights, with a few other tracts. We have not near enough for the orders we have from the country, and our own are nearly out of print. I shall direct them to the person to whom I directed your letter. I am for the Society,

“ THOMAS HARDY, Secretary.

“ P. S. Mr. Frost is very ill.”

Q. (*To Scott. A paper shewn him.*) This was found in the same way?

A. It was.

Q. (*To Grant.*) Look at the signature, and see if that is his hand writing?

A. I believe it is.

(*Read by the Clerk of the Court.*)

Dated London, November 29, 1793, signed Thomas Hardy, Secretary, addressed to Maurice Margarot and Joseph Gerald, Delegates.

“ CITIZENS,

“ I am desired by the general committee to make you acquainted with our determination relative to your stay in Scotland, which is, that you are both to remain at your present posts till the Convention adjourn. The 12*l.* 12*s.* I am afraid is miscarried, otherwise doubt not you would have acknowledged the receipt, &c.

“ We are highly pleased with the proposals of union with our northern brethren, and beg you will use every exertion on your part to establish so desirable an union on a firm and permanent basis; it gives us great pleasure and encouragement to hear that the spirit of liberty is in so flourishing a state in the north, and I am happy to inform you that the same noble spirit is making a rapid progress in the south. We are sorry to hear of your sad state of health. THOMAS HARDY, Secretary.

“ We have not had any account of the arrival of Mr. Muir, though we have used every means in our power.”

Q. (*To Gurnell. A paper shewn him.*) Tell us where you found that?

A. I found it in Mr. Hardy's possession.

(*The letter read by the Clerk of the Court.*)

Dated Edinburgh, Tuesday, December 2, 1793. Signed Joseph Gerald and Maurice Margarot, Delegates, addressed to Mr. Hardy.

“ CITIZEN—

“ We received last night a letter signed by you, but written by another person, acquainting us with the determination of the committee,

committee, "that at the adjournment of the Convention we should return immediately to London;" this determination we will undoubtedly conform unto, unless it be (as we hope and trust it will) contradicted in your next; for if the Committee abides by it, we, who by being on the spot, and thoroughly acquainted with the state of the country, can judge with certainty thereon, do assure you that *our immediate return to London* will be attended with very bad consequences, for at present all the country societies look up to us to come among them *to enliven, to encourage them, to convince them by our presence*, that we exist, that we have been sent from England for the purpose of *union and Reform*, and that *the time is near at hand when such Reform must take place*. Nothing, dear friends, must force us from Scotland at present, but the absolute impossibility of bearing the expences attending our mission, and those expences may be somewhat lessened by recalling one of us, and leaving the other; our Norwich friends may likewise bear a part of them, so that unless the funds of the society are very low indeed, no excuse for recal can be valid, unless founded on *fear*; and that we must remind you is our concern, not your's. While, therefore, the idea of *uniting our society with the whole kingdom of Scotland* affords you a pleasing prospect, let us do every thing in our power to *cement that union*; and this can only be done by a longer residence in the country, and by visiting the several societies that have sent delegates to Edinburgh, and would think themselves ill used if we did not take their town in our way. Consider of it therefore, we beseech you, and let us have your answer immediately.

"The convention proceed with great spirit. We sit daily; and last week we came to a resolution, which we fancy will *give pleasure to every friend to Reform*; as the minutes are to be printed, we will, at present, only give you the heads of it; viz.

"That should any attempt be made by government for the suspension of the Habeas Corpus Bill, the introduction of a Convention Bill, or the landing of foreign troops in Great Britain or Ireland, the delegates are immediately to assemble in Convention at a certain place, the appointment of which is left with a Secret Committee. That when seven delegates shall be thus assembled, they shall declare themselves *permanent*; and when their number amounts to twenty-one, they shall proceed to business. Thus you see we are providing against what may happen.

"Citizen Gerald's health is so far recovered as not to prevent him from fully attending his duty. We cannot say as much of Citizen Sinclair, from the Society for Constitutional Information; he has been confined to his bed ever since Saturday with a violent fever and sore throat; he is somewhat better this morning. He is a valuable young man; and, should he die, his loss would be
severely

severely felt; not indeed by his constituents, who have basely abandoned him, but by all the friends of freedom. He is a member of our Society, and we recommend him to your notice.

" You will before this have received our last of the 26th instant, acknowledging the receipt of your letter of the 23d, together with a remittance of 12*l.* 12*s.* Our time is so constantly employed that we find it absolutely impossible as yet to write to you more than once a week, and even that on no fixed day; eighteen hours out of the four-and-twenty are devoted to public business, and you may rest assured they are not mis-spent. We are happy to hear that you go on as well in the South as we do in the North—Letters convey *but very imperfectly, and with no great degree of safety, what we might wish to inform each other of.* You have done us a material injury by neglecting to send us a parcel of our publications, and a number of copies of the Jurymen's Right; pray do not delay them any longer, and among them some of the letters to Dundas. We sent you an Edinburgh Gazetteer last week, we will send you another to-morrow; you will therein see part of what has passed in the Convention.

" We remain most sincerely,

" Your fellow labourers in the cause of Reform,

" JOSEPH GERALD, Delegate.

" MAURICE MARGAROT, Delegate.

" M. M. would be glad to receive a line from T. H. about private business of his own."

Mr. Bower. My Lord, we now propose to proceed to read the proceedings of the Scotch Convention.

Q. (To Mr. Scott.) Was this paper found in the same way and manner as you have already stated?

A. Yes, it was.

Mr. Erskine. I confess I am not very anxious to shut out any evidence which the learned Gentlemen for the Crown have yet offered for the consideration of the Jury. But as the case stands at present, the evidence is thus; this society was formed, the object of it's formation has been read to you in evidence, subject to such construction as the Gentlemen of the Jury shall be disposed to put on it, in connection with all the rest of the evidence. They appoint two Delegates to attend this Edinburgh Convention, and your Lordships will have the goodness also to recollect, that the holding of that Convention is not the act charged in this record, it only imputes guilt to the defendant now at the bar, for being one of those who assembled to concert measures for calling afterwards another convention of the people. We have it in evidence recently, because we have all heard it within these five minutes, that these two Gentlemen, who were appointed to

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represent the Corresponding Society, had instructions given them; these instructions directed these delegates, as the court has heard, to pursue closely these rules and instructions of the society, which have been made public to the court in evidence; therefore if it should turn out in the proceedings now proposed to be read, (which I do not know that they have, nor do I care whether they have or no) that the delegates ordered to act under the rules and instructions of this society, did what many honest men may do, and what many honest men have done in the moment of heat and irritation, written any thing, said any thing, done any thing, that in their cooler moments they could not approve; nay, I will go farther and say, if Mr. Margarot had said or done any thing not within the scope of the instructions given him, which instructions have been read in evidence, and which refer to the institutions of the society which have been read in evidence, I humbly maintain that it cannot affect the prisoner at the bar, it can affect him in no way, and your Lordship will permit me to recall this to the serious attention of the court. The defendant is charged with no act here of the Edinburgh Convention, he is charged with an act here, which if I could permit myself to think him to be guilty of, although I must stand here to do my duty unquestionably in defending him, yet I should do it in a manner very different from that which I shall adopt for his defence; he is charged with having compassed and imagined the death of our Sovereign Lord the King, whose life is dear to all of us, and to prove that the prisoner from the beginning had that wicked intention, for that is the point, the intention must be considered through the whole of the proceedings, the evidence should be clear, and refer to the act itself; but no act can be given in evidence that does go to shew that the prisoner at the bar had that wicked compassing in his own breast at the time that the act was committed.

I admit, that if they can shew that any instructions were given to these two men who attended this convention, which instructions carry on the face of them, or whether they carry on the face of them or no, carry any evidence of that wicked intention in the way which this indictment imputes to him, or any thing that approaches towards it, then the Counsel for the Crown will be right. I do not make this objection from any apprehension of the importance of the present question. I have no desire to make captious objections, I think we have already given proofs that we have no wish for such a practice. My friend Mr. Gibbs and myself have sat in silence while many of these papers have been read in evidence. Your Lordship must agree, that we have given no trouble to the court, nor do I intend to give unnecessary

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cessary trouble to the court ; all that I wish is, that nothing of this sort should pass, so that the just rules of evidence should not be done away. I do not know what it is, very probably I am wasting my own breath and your Lordship's time in the objection, it may be of no consequence when I come to hear it, for that the thing itself may convey no intelligence. But when I stand here not only defending the prisoner's life, but my own life, nay, the life of all the people of England, I must take care that the strict rules of evidence be preserved inviolate.

All that I mean to say is this ; if finally, from the nature and quality of the paper, it can be proved that it was something that Mr. Hardy was consonant to ; if they can shew that the proceedings of this Convention in Edinburgh are known to him, then my objection falls to the ground in this respect.

Lord President. I take it for granted, that the Counsel for the prosecution mean to do that, otherwise the convention of Edinburgh can be nothing to the prisoner. This is the act of a body to which this prisoner sent persons to act in his name ; he may object afterwards that they exceeded their commission ; I conceive it was a fact personal to himself, and known to him ; therefore I think that would be an observation on the act ; there has been enough said, in my opinion, to prove that the evidence should be heard, the application when heard was another thing, I think the evidence ought to be heard.

(The evidence was then accordingly read.)

Extracts from the Minutes of the General Convention of the Friends of the People, held at Edinburgh, and of their General Committee, convened in consequence of the arrival of the English Delegates, and of Citizens Hamilton Rowan and Simon Butler from Ireland, as mentioned in the foregoing narrative.

“ October 29. 1793. In the first day's sitting of the convention, Mr. Calender moved, “ That this convention resolve to claim for themselves and their constituents the right of universal suffrage and annual parliaments.”

“ At the same sitting a letter was read from the four united Societies of Ireland.

“ Mr. Skirving read the thanks of the general meeting of the Friends of the People, at the Free Mason's Tavern, dated London, 18th May 1793, as returned by them to the Convention of Delegates at Edinburgh, for their zeal and activity in the cause of Parliamentary Reform. He also read a similar letter from Mr. D. Stuart, dated London, 5th October 1793; another dated London, 25th October, 1793, respecting the appointment of Messrs. Margarot and Gerald.

" Mr. Skirving next read a letter from Mr. Binney, secretary to the Association at London, dated Frith-street, No. 7, October 16th, 1793.

" Mr. Camage read a letter from the Constitutional Society at Sheffield, dated the 27th of May 1793, and signed ——— secretary, upon the whole objects of reform in general, containing some humorous remarks on the arguments advanced by the enemies of reform, which were received with great approbation. —Mr. Skirving next read the printed paper contained in the said letter, addressed to the unemployed artisans, &c. of Manchester, and containing a number of excellent remarks upon the calamities of war; signed—Sidney.

" Edinburgh, Nov. 6th, 1793. In the General Committee, Citizen Urquhart in the chair, it appears, that a citizen, one of the Edinburgh delegates, having moved that the London delegates should state the situation of their societies, Citizen Margarot answered, " That the societies in London were very numerous, though sometimes fluctuating. In some parts of England whole towns are reformers; Sheffield, and environs there, 50,000.—In Norwich there are thirty societies in one.—If we could get a Convention of England and Scotland called, we might represent six or seven hundred thousand males, which is a majority of all the adults in the kingdom; and ministry would not dare to refuse us our rights.—Citizen Margarot hoped, that recalling their delegates would strike terror into their enemies, and while we behaved according to the laws of the country, we need not be afraid."

" Citizen Butler then said, he did not know how far he was at liberty to say any thing, as he was not a delegate; but he would give an account of Ireland: the executive part of the government were almost omnipotent; the landed interest almost aristocratic; the manufacturer idle.—Last parliament was expected to have given Ireland emancipation; however that prospect was flattering, a few weeks changed the scene.—An infamous coalition took place between the opposition and ministry; the Catholics retired with what they had got.—No longer opposed by them, the government turned their oppressive measures against the friends of reform.—The united Irishmen were prosecuted; he himself had experienced six months imprisonment.—Belfast was declared to be in a state of rebellion—though freedom was not cried up in the streets, yet it dwelt in almost every heart.—Universal emancipation was the measure for which he was an advocate.—All that he knew of the country was, that the first day his friend was in Edinburgh he was arrested, for nothing that he knew, except it was for being so wicked as to come here.—In Scotland they yet met in convention; in Ireland the parliament had enacted laws

laws against it. When a law like that should take place here, he was afraid freedom would vanish.

"Mr. Calender said, that he hoped those that would pass such an act of parliament should be forced to eat it; and hoped that Scotland and England would not submit to it.

"Citizen Gerald said, that he came here armed with the power of Delegation—if our neighbour's house is on fire, the greater should be our vigilance to prevent the flames seizing our own—a parchment piece of justice had been presented in Ireland; he hoped that if ever it was passed here, we should throw it in the face of our oppressors. Every thing the people had gained had been through Conventions—the Revolution was the consequence of a Convention—the Revolution established, that trust abused was revocable—the Revolution excluded all placemen and pensioners—do we enjoy any benefit from that act? It made ministers responsible—how many bad ministers have we seen go down to the grave in peace, and honoured with all the dignities a king can confer! Union would carry our principles into execution; a Citizen from Ireland told you, that as soon as the alarm bell was rung, the opposition joined the minister; party is ever a bird of prey, and the people their banquet." The Secretary stated to the meeting, that an order had come down for removing the convicts, but to what place, or when, it was not known: he thought it was to raise a tumult by which our Convention might be stopped.

' November 19, 1793. On the first day's sitting of the Convention after it was resumed, Mr. Margarot moved, "That previous to publishing an address to the public, a Committee be forthwith appointed to consider the means, and draw up the outlines of a plan of general union and co-operation between the two nations in their constitutional pursuit of a thorough parliamentary reform," which was unanimously agreed to.

"The minutes of the second day's sitting bear, "That Citizen Gerald vindicated the plan of divisions, as tending to enable the Convention to make up their minds upon the business to come before them." Mr. Margarot vindicated the plan, as tending to shorten the business of the Convention, and insisted that the familiar intercourse that would take place in these divisions, would be the chief use of them.

"Another Delegate shewed the necessity and importance of the plan of organization, and insisted that the divisions were necessary, and that the loss of a day or two was of no consideration, compared with the magnitude of the object.

"Mr. Margarot promised, in the name of himself and his colleagues from England, that they would grudge no time to ex-

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ecute with propriety the important business they were come upon.

"The Delegate from Sheffield rose to remove any remaining objections that might be made against the plan. He urged, that the grand point in raising a good superstructure was to lay a good foundation; to do which no time should be grudged; and shewed the great utility of the plan in the nomination of Committees.

"And the Convention were accordingly divided into divisions, and places appointed for their meetings.

"Mr. Margarot now moved, "That a Committee be appointed to consider of and draw up a proper plan of union between the two nations, according to the resolution of yesterday."

"In the sitting of the 21st of November, in consequence of reports from the different sections, a Committee of thirteen was chosen to form an union upon Mr. Margarot's plan. Mr. Wright, and Mr. Atcheson, were against the motion. Mr. Wright said, that Mr. Muir suffered with a magnanimity which required our admiration.

"In the same meeting Gerald stated, that to honest men nothing was so valuable as truth, and that nothing can possibly tend so much to the disclosure of truth as discussion and deliberation. That it was also very important that the Committee should know as much as possible of the public mind, in order that they might act in union with it. The Convention then resolved itself into a Committee upon the motion of Mr. Brown, and many valuable hints were thrown out by Citizens Brown, &c. Gerald observed, that whatever difference of opinion might exist in these walls, we can never forget that our friends and our enemies are in common, and that our object is equally the same. He took a review of the means we are to use in order to secure our object. He entered fully into the subject of universal suffrage and annual parliaments. He fully proved the rights of the people to these benefits by their ancient constitution. He minutely investigated the principles of government. He asserted, that the end of all government is the good of the governed; that if money be taken out of his pocket against his consent, it is of little consequence whether it be taken by the robber on the heath, or the monarch on the throne. He made many remarks upon the Revolution settlement, and the benefits gained by the last Revolution, and demonstrated clearly, that *they are now totally taken away*. He warned the Convention against the choice of any other than known and plain men like themselves, men uncontaminated by the pestilential air of courts.

"A Delegate from London, during this day's sitting, in absence of ———, a Scots Delegate, gave in the continuation of the Committee's report respecting the election of Presidents; of

of three assistants, one to go out daily; and respecting the council of the table. He likewise proposed, "That the whole reports of the Committee should be delayed till the report was completed, and urged as a reason for delay, that Lord Daer was employed in completing the report of the Committee."

"There was a collection, which amounted to 4*l.* 5*s.* 8*d.* amongst which there were two bad shillings, which left the balance 4*l.* 3*s.* 8*d.* The collection at the door amounted to 19*s.* 3*d.* Moore gave 1*s.* making in the whole 1*l.* 0*s.* 3*d.*

"The Fifth Day's Sitting, Convention-Hall, Nov. 23, 1793-

"Citizen Gerald appointed Chairman.

"Citizen *** having read the minutes of last sitting, the President stated, That this morning he had received a letter from our friends in Norwich, who desired him to inform the Convention, that they remained steady in the cause, and had nominated Citizen Margarot their Delegate, and that they would contribute their share of the expences attending the Convention. Mr. Margarot accordingly accepted of the office, who congratulated the Convention upon the accession of such a great number of friends.

"During this sitting, there is the following motion. It was moved, "That from thenceforth the Convention should be styled, *The British Convention of the Delegates of the People*, associated to obtain universal suffrage and annual parliaments;" agreed to unanimously. Also this other motion, "A motion was also made for the Convention allowing the members of the United Society of Irishmen to speak and vote here."—

"Referred to the Sections."

"Citizens *** ***, who were Country Delegates, requested leave of absence, which was granted, upon condition that they would do their utmost to send Delegates in their place.

"In the same sitting there are the following motions, viz.,

"Motion by Mr. **, respecting dividing the country into departments, and appointing provincial Conventions, whereby they may become more acquainted with each other's sentiments.

"Referred to the Committee of Union.

"Motion by ***, containing thanks to the movers of the division into classes, mentioning the advantages already obtained from it, and requesting a fresh shuffle. Referred to the Committee of Regulations, and agreed that the members of Societies in Edinburgh join the sections"—and this day's sederunt closes as follows: "The President warned the sections to meet as full as possible on Monday."

"Citizen ***'s motion, relative to admitting the members of the United Society of Irishmen to speak and vote in this Convention,

tion, came forward for discussion, when Citizens —, —, —, spoke upon it, and agreed to and guaranteed by a solemn joining of hands—it being followed by a motion for transmitting the above resolution to Citizen Archibald Hamilton Rowan, which was passed accordingly.

"Secretary Skirving stated, that he had just now received five shillings from an unknown hand, for the use of the Convention. Honourable mention in the minutes was ordered to be made of this patriotic donation.

"A motion was made by Mr. Sinclair, respecting the appointment of an interim Committee at the end of every Convention, to call together the *Delegates on extraordinary emergencies*. 2l. 3s. 10½d. was collected on this day.

"At the close of this meeting, the Convention being divided into sections, Mr. Gartley moved, "That the motions should be laid before the sections, and desired the *council of the table* to condescend on these that were to be first discussed."

"Seventh Day's Sitting, November 26, 1793. Citizen Matthew Campbell Brown in the Chair.

"Having constituted the meeting by prayer, Citizen Sinclair was elected Chairman.

"After debate, an original motion was referred to the Committee of Finance.

"Ordered, That the Convention shall cause a regular set of books to be kept for the insertion of minutes, motions, and other proceedings; a book of Finance, &c. to be at all times subject to the inspection of an intermediate Committee. That it be recommended to the different societies to copy the bill of rights into their minute books, as a basis for their proceedings, and as a memento to every good citizen, that they were doing what the constitution avows and admits, in order to prevent impossible constructions from being put upon their conduct as friends to reform.

"All these motions were ordered to lie over to be considered by the sections.

"The collection amounted to 1l. 1s. 9d.

"Eighth Day's Sitting. Edinburgh, Nov. 27.

"Citizen Mealmaker in the Chair.

"Mr. —'s motion being taken under consideration, amendments were proposed by Citizens * * * * *

"Mr. Margarot pled for adopting Mr. —'s motion; but thought it would be more advantageous to postpone adopting it till the conclusion of the Convention's business.

"Moved by Mr. Margarot, that a Committee, consisting of the mover, seconder, and those who had moved for amendments of Mr. —'s motion, be appointed to draw up a motion from the whole, that may probably meet the ideas of the whole
Con-

Convention. After some conversation, it was agreed upon, on the motion of Mr. —, that the vote of the house be put; 1st, on the spirit of Mr. —'s motion; 2dly, on the words of the motion; and 3dly, on Mr. Margarot's motion." Agreed.— "The sense of the house being taken on the first, it was carried unanimously, to adopt the motion as to the spirit of it. On the 2nd, it was carried by a great majority, not to adopt the motion as so worded. And 3dly, it was resolved, that the said motion, and all amendments, be referred as above. The collection amounted to 1l. 8s. 6½."

"Convention-Hall, Nov. 28, 1793. Ninth Day's Sitting—
Citizen * * * in the Chair."

"Citizen * * * read the amendment upon Citizen —'s motion, as agreed upon by the Committee; and it was agreed, that the house should resolve itself into a committee for its mature consideration."—In the course of the conversation Citizen * * * gave a history of the Habeas Corpus Act. After an excellent discussion of the question, pertinent remarks, and amendments, the Convention was resumed, and the whole, as amended, being read over, the members stood up on their feet, and passed the resolution unanimously, as follows.

(Here a blank is left in the minutes, as mentioned in the report.)

"After the said resolution was agreed to, and solemnly approved of as above, the minutes import, "That Citizen Gerald, in an energetic and animated speech, addressed the meeting, and expressed his happiness at the motion passed; and exposed the act of the Irish Parliament, called a Convention Bill—and Citizen * * * followed him in a manly speech, and proved the influence of the executive government over the parliament."

"Citizen Margarot read and proposed the following motion: "That a Secret Committee of three, with the secretary, be appointed to determine the place where such Convention of emergency shall meet; that such place shall remain a secret with them, and with the Secretary of this Convention; and that each delegate shall, at the breaking up of the present session, be intrusted with a sealed letter, containing the name of the place of meeting; that this letter shall be delivered unopened to his constituents, the receipt of which shall be acknowledged by a letter to the Secretary, preserved in the same state until the period shall arrive at which it shall be deemed necessary for the Delegates to set off. This motion was seconded by * * *, and the same passed unanimously. Accordingly the following Citizens were appointed a Secret Committee upon this business, viz. Margarot, —, with the Secretary; and they were requested to devise the best possible means of conveying this intimation to those Societies

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whose views are the same with our's, but may not have Delegates at this time.

"The minutes of this day's sitting close with a variety of motions; and amongst others the following, by Citizen —, and seconded by Citizen —, "That a fund be raised by subscription for defraying the expence of small patriotic publications, to be distributed in the Highlands. Every publication shall bear the figure of a Highland Man in full dress, with target and broad sword, to attract the attention of Highlandmen. No publication to cost more than half a penny."

"By Citizen —, "That a Committee be appointed to draw up a declaration of the natural, unalienable, and unprescriptible Rights of Man; and that the same be prefixed to an Address to the People of Great Britain."

"And "That a Committee of Observation be appointed in London, to give the earliest intimation of any motion of the kind mentioned in the foregoing resolution to the different Societies."

"Convention Hall, First Year of the British Convention, Nov. 29, Anno Domini 1793. Tenth Day's Sitting. Citizen — in the Chair.

"Citizen Margarot gave in the Report of the Committee of Regulations; which was ordered to be printed, and copies to be given in to the sections on Monday, for their consideration."

"The Secretary read —'s motion for a Committee of Observation to be appointed in London. Citizen Margarot stated, That there was no occasion for a Committee of that nature, in London, as there were several thousands of people in that city upon the look out. It was accordingly agreed, *That the Convention should request the London Committee of Correspondence to give the earliest intelligence of what passed in Parliament.*

"A letter from a friend, &c. which had been transmitted to A. Scott, of the Gazetteer, was read, containing patriotic sentiments, and two guineas; and Citizen Taylor presented a guinea from another Citizen, whose name he was not at liberty to mention. It was stated by the Secretary, that a citizen from London was present, who was to give 5l. 5s. to the Convention, when a collection should be made for enlightening the Highlanders. The thanks of the house were unanimously given to the before mentioned patriots for their donations.

"Eleventh Day's Sitting, Nov. 30, 1793.

"The Secretary read a motion, that a Committee be appointed to revise each day's minutes immediately on the rising of the Convention, for the purpose of sending them to the press, to make hereafter a daily bulletin of the same. The question being put, the motion passed unanimously.

"Citizen

" Citizen ——— likewise moved, That no person should be allowed the *honours of the sitting*, unless recommended by two members; which with amendments, as in the motion itself, passed unanimously.

" The Secretary read a motion for publishing the natural, unalienable, and unprescriptible Rights of Man, which was ordered to be given to the Committee of Union.

" It was moved, That Captain ——— should report some circumstances to the Convention; for which purpose the house resolved itself into a Committee, when he read an account of the trial and sentence of D. Holt, for re-printing the Duke of Richmond and Mr. Pitt's Resolution for a Parliamentary Reform; after which, the Chairman being replaced, the Secretary moved, That Captain ——— should be *allowed the honours of the sitting*.

" Citizen — from Strathaven, and — from Hamilton, requested leave of absence should be granted, and moved, that all the Delegates who had left the Convention, should receive letters to return immediately, and remain at their posts until the important business which was daily introduced into the Convention should be properly discussed.

" A motion to fine those members who did not attend their Sections. The order of the day was called for.

" A motion for drawing out a scroll of a petition to parliament; which being read, *The order of the day was moved upon it.*

" Monday, December 2, 1793. First Year of the British Convention. Twentieth Day's Sitting. Citizen — in the Chair, and Citizen — and — Assistants at the Table."

" Citizen Skirving insisted that all the members, both of the Convention and Primary Societies, should subscribe a solemn league and covenant.

" Citizen Gerald pled for liberty of sentiment; and compared the people and their enemies, to the worshippers of the true God and of Baal. He afterwards read some paragraphs from the Edinburgh Herald, with suitable comments; and compared the constitution of 1688 to a dead horse. He shewed the insipidity of the title " Gentleman," and the propriety of the term " Citizen;" remarked the impropriety of the mode of promulgating our laws, by restricting them to be sold by one printer, and published in the Saxon character, which few can read."

" Citizen Skirving also pled for the motion, and insisted that it was proper, on all occasions, to take the opinion of the Primary Societies, and considered the Convention as only a Committee of the People.

"Citizen Margarot pled in favour of the motion. The approbation given by the *many thousands of their constituents in London, Sheffield, Norwich, Leeds, &c.*

"The motion being agreed to, with one dissentient voice, who afterwards acceded, Citizen — read a spirited advertisement from the Nottingham Society, inserted in a Sheffield newspaper."

"A motion made by Citizen —, and seconded by Citizen —, That the Convention shall pass some resolutions respecting the late unprecedented and unwarrantable infringements on the freedom of the press, particularly the arbitrary sentence of Judge Wilson against Mr. Holt, for reprinting the Duke of Richmond and Mr. Pitt's Plan of Reform.

"Citizen — and — moved, That this Convention take under consideration whether (after the contemptible manner in which the late petitions for parliamentary reform were treated) they shall again petition for reform, or at what period they should recommend the same to their constituents. On this day 19s. 3d. was collected."

"At the Thirteenth Day's Sitting.

"Citizen —, of Sheffield, produced a commission from the Leeds Constitutional Society, appointing him their Delegate; which was approved of by the Convention. On this day 18s. 9d. was collected.

The Minutes of the Fourteenth Day's Sitting are begun and entered thus: "Edinburgh, November 4, 1793. Fourteenth Sitting of the British Convention.

(In the above, November is, by mistake, inserted in place of December.)

"Mr. Margarot begged leave to bring in a motion to this effect, That the moment of the illegal dispersion of the present Convention be considered as our summons to repair to the place of meeting appointed for the Convention of Emergency by the Secret Committee; and that the same motion be considered this evening. Leave was accordingly granted.

"The Convention then heard the only two motions on their table read, which regarded the same matter; and it being objected to, the business of these motions was to be taken up to-morrow evening; after some conversation, it was carried by a vote of the house to delay further consideration till to-morrow evening. Mr. Margarot being prepared to bring forward his motion above mentioned, the same was taken under consideration, and was as follows:

"Moved, That the moment of any illegal dispersion of the British Convention shall be considered as a summons to the Delegates to repair to the place of meeting appointed for the Convention

vention of Emergency by the Secret Committee; and that the Secret Committee be instructed to proceed, without delay, to fix the place of meeting.

“The Convention, having considered the motion fully, unanimously resolved the same, and appointed the Secret Committee to proceed as desired.

“Resolved, that the following declaration and resolution be inserted at the end of our minutes.

“That this Convention considering the calamitous consequences of any act of legislature, which may tend to deprive the whole or any part of the people of their undoubted right, to meet either by themselves or by delegates, to discuss any matter relative to their common interest, whether of a public or private nature, and holding the same to be totally inconsistent with the first principles and safety of society, and also subversive of our known and acknowledged constitutional liberties, do hereby declare, before God and the world, that we shall follow the wholesome example of former times, by paying no regard to any act which shall militate against the Constitution of our country, and shall continue to assemble and consider of the best means by which we can accomplish a real representation of the people, and annual election, until compelled to desist by superior force.

“And we do resolve, that the first notice given for the introduction of a Convention Bill, or any bill of a similar tendency to that passed in Ireland in the last sessions of their Parliament;

“Or any bill for the suspension of the Habeas Corpus Act, or the act for preventing wrongous imprisonment, and against undue delays in trial in North Britain;

“Or in case of an invasion, or the admission of any foreign troops whatsoever into Great Britain or Ireland;

“All or any one of these calamitous circumstances shall be a signal to the several delegates to repair to such place as the Secret Committee of this Convention shall appoint; and the first seven members shall have a power to declare the sittings permanent, shall constitute a Convention, and twenty-one proceed to business.

“The Convention doth therefore resolve, that each delegate, immediately on his return home, do convene his constituents, and explain to them the necessity of electing a delegate or delegates, and of establishing a fund, without delay, against any of these emergencies, for his or their expence; and that they do instruct the said delegate or delegates to hold themselves ready to depart at one hour's warning.

“A Delegate from Glasgow presented to the Sections, during the sittings of this Convention, a motion of the following tenor; viz. The

"The delegate from Glasgow moves, That the Convention take into their consideration the nature and extent of a resolution adopted by their constituents, and most of the other Societies in Scotland, and afterwards ratified and approved of at the General Convention held at Edinburgh in December 1792, the import of which was, That if any member of their Society associated for the purpose of obtaining a parliamentary reform, should, while in the legal prosecution of that object, be oppressed or persecuted by the arm of power, they should not only meet with the assistance of the Society to which they belong, but also by the united efforts of all their brethren in Scotland.

"Since the above period, however, we are sorry to say, several of our members have been persecuted, and that in a most wanton manner, and the above resolution (which if duly put in force would, we humbly apprehend, have the happy effect of emboldening those who have already come forward, and of encouraging others who have not yet taken any active part to unite their efforts in the general cause) has never yet been attended to.

"We therefore humbly move, That the Convention take into consideration the above particulars, and consider what measures may be most conducive towards the performance of the obligation we lie under, in consequence of that resolution, and thereby shew to the world that we are not unmindful of those who have already suffered, or may in future suffer in their country's cause.

"By Order of the Delegation,

"Edinburgh, Oct. 30, 1793."

Q. (*To Gurnell. A paper shewn him.*) Where did you find that paper?

A. I found it in Mr. Hardy's possession.

(*Read by the Clerk of the Court.*)

"FELLOW CITIZEN,

Edinburgh, Dec. 8, 1793.

"We desire that a copy of the inclosed papers be kept by the Society, and that another copy of them be delivered, without delay, to Citizen Martin, in order that he may proceed thereupon immediately.

"You will already have had confused accounts of what has taken place here for the last four days; but on Tuesday next the Edinburgh Gazetteer shall (if despotism permit) give you a complete detail of every thing. The society will thereby be able to discover that an arrival in Scotland has been productive of great advantage to the cause, and at the same time has given great alarm to our enemies. We are very much surprized at the remissness of the society; while we are exposing our life and liberty, while we are devoting our time and our exertions to their service, while we are incurring numberless expences, and affronting dangers that would stagger the most hardy of them, while

while we are doing all this, we are moreover obliged to remind them of it, and that supplies are now become more necessary than ever; surely the pecuniary exertions of any individual in the society, can never be compared to our endeavours: Honoured with their confidence, we find ourselves happy in being placed in the front of the battle; but let them remember that our sacrificing ourselves will be of little use, unless they afford us a proper support, and that most immediately. Not daring any longer to trust to the post, we send you all these papers in a parcel. You will be so good as to make us acquainted with their safe arrival.—Gerald wishes to get to London as soon as possible, he will communicate that which cannot be so fully expressed by letter; you may consider this as a private letter, but you may read such parts of it as you think proper to any member of the society, especially where it may be productive of good. You will see by the inclosed papers, that *power* has proceeded in a most arbitrary manner; almost all the prominent characters in the Convention have been, or are to be apprehended and examined.—Lord Daer will, we believe, meet with no greater favour than ourselves; we understand that there is a warrant out against him. As an account of what has happened to us would exceed the bounds of a letter, we will only just give you a sketch of it, by way of journal, referring you, as we said before, to next Tuesday's Gazetteer.

“ Thursday morning, at 7 o'clock.

“ A sheriff's officer, followed by five other men, entered our bed-room, informed us he had a warrant (which however he refused to shew) for apprehending us, and seizing our papers; we remained confined all day, at night we were examined and admitted to bail, each in the sum of 2,000 merks.”

“ Friday morning, 9 o'clock.

“ We were sent for again without a warrant, for the purpose of being present at the opening of a small trunk, containing our papers; but M. M. protesting against the illegality of the whole of the proceedings, and refusing to give up the key, the sheriff substitute and the procurator fiscal dared to proceed no farther in the business.

“ Saturday Morning, 9 o'clock.

“ Two messengers came again into our room, with Gerald; they left a summons to appear at ten o'clock, with M. M. They left nothing but a request to accompany Gerald to the office; yet, when arrived there, he found that a warrant was issued against him, for the purpose of detaining him a prisoner, while the box was opened, and the papers examined. M. M. still persisting in his refusal, the key was forced from him, the trunk was opened, the papers examined, and partly restored; the other part was kept,

kept, and a declaration drawn up, which he was required to sign, but refused, protesting against the whole of the business.—Gerald, however, signed what was drawn up in his name, and we were once more liberated; and since then, now already 24 hours, no further persecution has been commenced against us. But while we, as individuals, were thus harried (Thursday) the whole of the convention were equally ill used.—Many of them were taken into custody; and when the remainder met, as usual, the provost, attended by his myrmidons, went, and, after pulling ————, of Sheffield, out of the chair, ordered the convention to disperse, and informed that he would allow no such meetings in future. (Friday) the next day, the convention having agreed to meet at another place, out of the jurisdiction of the provost, we had not been long assembled, before the Sheriff, with his myrmidons, appeared among us, and commanded us to depart, after having asked whether that meeting was the British Convention, and being answered in the affirmative. He next enquired who was the president; upon which M. M. having openly asked and obtained leave of the convention, placed himself in the chair; informed the sheriff, that he, M. M. was the president of the British Convention, and that he would not break up the meeting, unless unconstitutionally forced thereunto, by the Sheriff's pulling him out of the chair; which the latter (after some little hesitation) having complied with, the ex-president (Gerald) was also put into the chair, which he would not leave but by being pulled out; adjourned the convention to the place where it was to become permanent in it's sitting; and having called upon his colleague, Gerald, for to close the meeting with prayer, the company departed peaceably, but not without various reflections on the proceedings, and those reflections not confined merely to the members of the convention, but coming also from the crowd without doors, and even from the attending constables.—The next day a proclamation was issued by the provost, forbidding all assembling within the limits of his jurisdiction.—We know not what will happen; but we venture to predict, that all this persecution will increase rather than diminish the ardour of the people for Reform. The country societies, hearing of this, are hourly pouring in fresh delegates.—Want of paper forbids my writing any more.

Adieu? Your's,
M. M."

Q. (To Mr. Gurnell. A paper shewn him.) Tell us where you found that?

A. I found it at Mr. Hardy's. (The

(*The Letter read by the Clerk of the Court.*)

Edinburgh, 19th of Dec. 1793, signed Maurice Margarot, and addressed to Mr. Thomas Hardy, No. 9, Piccadilly.

" FELLOW CITIZENS,

" It is impossible for us to find time to write to you as we ought; every instant we are interrupted, or rather the house is not free from visitors from an early hour, until 12 o'clock at night; and besides we have such a variety of business on our hands, that we can scarce make any progress, &c. But as Sinclair will arrive as soon in time as this letter, he will be able to give you a detail, &c.

" Excuse my entering into a detail at present. We are to acknowledge your two last letters; they came safe, but slow, being delivered five days after their date. Your first gave us a draft for twelve guineas, and the other inclosed a ten pound bank note, but they do not clear our expences. We well know how heavy the burden is on the society, and we grieve that our former state has left us little else to offer than our services.

" Since Sinclair's departure, nothing new hath occurred, except the formation of a society somewhere about the Crampion Hills. They have already made a subscription towards the Convention.

" Believe me, Fellow Citizens, Yours unto death,

" MAURICE MARGAROT."

" P. S. Pray, friend Hardy, did you some weeks back receive an inclosed letter to Prevett? and did you likewise receive the parcels and paper sent you by the Charlotte, on the 10th instant? Have you done any thing with the piece of paper? Have you written to Norwich; and have they answered you? I have sent the news regularly, but have not received a single answer from them. Pray question Sinclair most particularly."

Q. (*To Macklean. A paper shewn him.*) Where did you find this?

A. This is a letter of the 10th of Jan. that I found in Mr. Adams's house.

Q. (*To Grant.*) Do you believe that to be the prisoner's hand writing?

A. Yes, I believe it is.

(*Read by the Clerk of the Court.*)

" CITIZEN ADAMS, Dated the 10th of Jan: 1794.

" The London Corresponding Society begs the Society of Constitutional Information, to accept of a few copies of Maurice Margarot's Indictment.

THOMAS HARDY, Secretary."

" P. S. The London Corresponding Society are to have an anniversary

niversary meeting and grand dinner, at the Globe Tavern in the Strand, the 20th instant."

Q. (To Grant. A paper shewn him.) Look at this too; do you believe this to be his hand writing?

A. Yes, I believe it is.

(The letter read by the Clerk of the Court.—See page 134 of this Work.)

JAMES DAVIDSON, sworn.

Q. I believe you are a printer by business?

A. I am.

Q. Were you employed at any time to print any numbers of these papers? (a paper shewn him.)

A. Yes, I was.

Q. When was you employed?

A. I believe it was the 20th of February last, I think so. The prisoner brought me the copy with Thelwall; and Thelwall brought me the manuscript.

Q. Was any body with him when he came?

A. Yes, there was, but I do not recollect.

Q. Were there any more persons than one?

A. No more than one.

Q. What order did he give you respecting it?

Mr. Erskine. Is that evidence?

Mr. Garrow. We submit it is.

Mr. Erskine. Is it in evidence against Mr. Hardy what Mr. Thelwall does?

Mr. Garrow. I submit to his Lordship, it is the clearest evidence in the world. We have collected from a great variety of evidence, much printed, much written, much by papers found in the prisoner's custody at the time of his apprehension, a clear connection and conspiracy on the subject of this high treason, between the person of Thelwall and the prisoner at the bar. We submit with confidence, that all the acts against Thelwall or other persons, of their accession to the general plan of conspiracy, is clear evidence. This, therefore, as the act of Thelwall, is hardly worth discussing, for we have other evidence which brings it close to the prisoner, namely, the prisoner's paying for it; but we have a right, as we have given in proof, that Thelwall and the prisoner were parties in this conspiracy, to give any evidence of Thelwall's.

Mr. Erskine. There is no manner of a doubt, that as far as you can connect persons acting together towards one purpose, which perhaps constitutes the crime, you may undoubtedly involve them together, by evidence; that is not the question. I have no anxiety on the subject so far as the fact was only in consideration here, because it is a printed paper which hath been in all our hands and very well known; but it is only that the proceedings

ings may not be embarrassed in the course of them that makes me interpose. Mr. Thelwall gives a manuscript paper to this witness to be printed; what evidence was there that Mr. Hardy had any share in this? If it could be proved that Mr. Hardy paid for the printing of the paper, which is not before your Lordship, if that was before your Lordship there might be something like evidence, that he might be implicated in the guilt, if any guilt there was; yet would your Lordship fasten that crime on the prisoner at the bar? But surely even then there might be a difference in the quality of an act, as applied to both these persons; one might be much more culpable than the other; the knowing that a paper is printed is one thing, and the giving an authority to print it is another. Would the bare fact of knowing that this paper was given to a printer, prove that Mr. Hardy was guilty of that crime, supposing that paper to contain treason, which I know it does not? Of all the crimes we have heard of, treason ought to be the last that ought to be attempted to be made out on such evidence as this. How could this act, taking it to be as described by the witness, be treason? It would not be so even if the paper itself contained the most treasonable expressions: it might indeed be the misprision of treason, if it was proved that Mr. Hardy knew it; but misprision of treason was not the crime for which the prisoner at the bar was indicted; as to the paper itself, I am not anxious, I only trouble myself about the rules of justice.

Court. The resistance on one side, and insisting on the other side, is perfectly premature, the Court not knowing what the contents of the paper is; whether it is purely an act of Thelwall, or whether it may be evidence against Mr. Hardy, the Court as yet cannot decide.

Mr. Garrow. It is an instrument of the general High Treason charged in this indictment, one stage and step being the publishing a paper to incite the subjects of this country to desert their allegiance from his Majesty; it is a paper in furtherance of the general conspiracy, which we say, we have given evidence that there was a design to carry in effect, and we desire to read it. If it had been a letter of Mr. Thelwall's on private concerns, we should not have insisted on it.

Lord President. It is necessary for us, that you open that part of the paper which you say hath that tendency. (*The Lord President reads the paper.*) I see there is a passage in it which does go to that general object.

Mr. Gibbs. The arguments of the counsel for the prosecution go to this length, that though this trial be only against Mr. Hardy, yet, because one overt act in this indictment is, that

papers were published, the papers published by Mr. Thelwall are to be submitted to the Jury as Mr. Hardy's act.

Mr. Garrow. Certainly, it is necessary that the Court should be apprised of the quality of the paper, to judge whether this is what we state it to be. I now state to your Lordship a passage :

" You may ask perhaps (after stating the grievances) by what means shall we seek redress; we answer, that men in a state of civilized society are bound to seek redress of the grievances by the laws, as long as any redress can be obtained by the laws; but our common Master whom we serve, whose law is a law of liberty, and whose service is perfect freedom, has taught us not to expect to gather grapes of thorns, or figs of thistles. We must have redress from our own laws, and not from the laws of our plunderers, enemies, and oppressors.

" There is no redress for a nation circumstanced as we are, but in a fair, free, and full representation of the people."

Now we alledge that the purport of this conspiracy, which is charged to be High Treason on the record, was by force to assume the powers of Legislation, and dispute the constituted authority of the country, as they are at present happily constituted here.

Now we alledge that the purpose of this conspiracy, which is charged to be High Treason, was by force to assume the powers of Legislation in despite of the constituted authority of the country, as they at present happily subsist here.

Mr. Erskine. Our objection is on Mr. Hardy; this being given to be printed by Mr. Thelwall, your Lordship will dispose of it, as I am not in the least anxious about it.

Lord President. The paper purported to contain some resolutions of a meeting of the society, it is brought to be printed by one of the members of that society, the prisoner himself being a member of that society and the secretary also; they being both involved in the proceedings of that society, and this being a printed paper produced by one of them, it does seem to me in the general charge of conspiracy, that this is an evidence to prove a circumstance in that conspiracy; whether it will be so brought home to the prisoner Hardy, as he should be responsible for the guilt of publishing it, is another consideration, but it is a branch of conspiracy; it does seem to me, therefore, that the papers should be admissible.

Mr. Garrow. (To Davidson.) What did Thelwall say to you when he brought you the papers?

A. He told me to print two thousand, and then stop.

Mr. Erskine. When did he come to you?

A. The twentieth of February.

Mr.

Mr. Erskine. Does your Lordship think that all the directions that Thelwell gave the witness is proof against Hardy?

Court. Whether it was two thousand or not, it is of no consequence, it is an act of publication of this society.

Mr. Garrow. (To Davidson.) What did you in fact do with them after you published them?

Court. It may be an assassination plot.

Mr. Erskine. Then it may apply to every member of the London Corresponding Society.

Court. I may as to the general case.

Mr. Garrow. (To Davidson.) How many did you print that day?

A. I printed two hundred that day, and went to the Globe Tavern; when I went to the Globe Tavern I met Hardy on the stairs.

Q. Did you know him before?

A. Yes.

Q. Was you a member of the society yourself?

A. I was.

Q. You was present probably at some meetings of the society?

A. Yes, sometimes.

Q. Have you ever seen Mr. Hardy there?

A. Yes.

Q. In what character did he act in the meetings?

A. He acted in character as secretary.

Q. When you carried the two hundred there that day that they were ordered, you met him on the stairs?

A. I did.

Q. What passed between you?

A. I told him I had brought two hundred copies of resolutions; he desired me to take them back again and not to distribute one of them; accordingly I did, I went home with them and returned again to the Globe Tavern to dinner.

Q. You said February, do you mean January or February?

A. I am not certain, it was the day of the meeting.

Q. At what time was it you saw Thelwall in the course of that day?

A. It was between one and two o'clock.

Q. Very well, now stay, at what time was it you carried the two hundred copies to the Globe Tavern?

A. Between four and five o'clock.

Q. You returned home with the two hundred copies by the direction of Mr. Hardy, and returned again to the Globe Tavern to dinner?

A. I did.

Q. What time was that?

A. Pretty

- A. Pretty nigh six o'clock.
- Q. Was you present when these resolutions were proposed in the society?
- A. No, I was not.
- Q. Was it not on that day that the resolutions purported to be read that you delivered them, or was it a month after?
- A. I had the copy on the eighteenth, and delivered two hundred on the twentieth.
- Q. Now look at the paper, and tell us whether it was January the first month in the year, or whether it was February?
- A. This is the paper, I see now it is January.
- Q. Is that correct?
- A. Yes.
- Q. Do you believe then that you received it on the eighteenth of January, and not on February?
- A. I have no doubt about it?
- Q. When you returned again, was it to a public dinner or private dinner of the society?
- A. A public dinner, every one paid for his ticket.
- Q. Was there any Chairman at dinner, did you see any body in the chair?
- A. I am not very sure, but I think Thelwall was in the chair.
- Q. Was Mr. Hardy there?
- A. Yes, he was.
- Q. When you returned to dinner, did you carry any copies of the papers with you?
- A. No, I did not.
- Q. What did you do with those copies afterward?
- A. Somebody was sent for them to my house.
- Q. Where from?
- A. The Globe Tavern.
- Q. From the meeting?
- A. Yes.
- Q. Were they brought?
- A. Yes.
- Q. To the meeting?
- A. Yes.
- Q. These two hundred copies?
- A. Yes, they were.
- Q. What was done with them there?
- A. I saw only one of them.
- Q. Where did you see that?
- A. Somebody handed it about at the meeting.
- Q. How many persons might there be assembled together at that meeting?

A. I suppose there were about three hundred or thereabouts, as near as I can guess.

Q. How late did you stay?

A. Till about ten o'clock or thereabouts.

Q. Did you print any more of those papers at any time?

A. Yes.

Q. At that time?

A. I cannot be particular to the time.

Q. Were any printed in the course of that week?

A. I believe a thousand more.

Q. By whose order?

A. Mr. Thelwall's order went still on, I printed in that week one thousand, and completed it to two thousand.

Q. What did you do with them when you printed them?

A. I carried a good many of them to Mr. Hardy's.

Q. What did you do with the rest?

A. People came for some now and then.

Q. What people?

A. Some members of the London Corresponding Society.

Q. Did you deliver them as they came for them?

A. Yes; some asked for a dozen or half a dozen or so.

Q. Had you any other order?

A. Yes, I printed six thousand more.

Q. By whose order did you print the six thousand more?

A. I believe Mr. Hardy gave me the order to go on with them till I should be desired to stop.

Q. Were you ever desired to stop, and when?

A. I was desired, I believe, in the month of March, I think so.

Q. Did you go on printing them till the month of March?

A. Yes, I did, now and then occasionally, as they were wanted.

Q. How many thousand might you print in all?

A. Eight thousand.

Q. Who paid you for them?

A. They are not paid for yet.

Q. On whose credit did you do them; did any body at any time promise to pay you for them?

A. No.

Q. Had you any conversation with Mr. Hardy about being paid for them?

A. I had no farther than to put them to the credit of the society.

Q. Who desired you to do that?

A. He,

A. He, as treasurer, was accountable to see the debts of the society paid.

Q. Who was?

A. Mr. Hardy.

Q. Did you make the society debtor for them?

A. Yes, I did.

Q. Then you have not been paid yet?

A. No, I have not.

Q. Have you printed on other occasions for the society?

A. Yes, I have.

Q. Who paid you for those?

A. Mr. Hardy.

(The paper read by the Clerk of the Court.)

Dated from the Globe Tavern, Jan. 20, 1794.

See page 138 of this work.—To which were added the following.)

“ Committee Room, Jan. 23, 1794.

“ Resolved unanimously,

“ That a hundred thousand copies of the address to the people of Great Britain and Ireland, voted at the General Meeting, be printed and distributed by the society.

“ Resolved unanimously, That the following toasts, drank at the anniversary dinner of the society, be printed at the end of the address.

“ I. The Rights of Man; and may Britons never want spirit to assert them.

“ II. The British Convention, lately held at Edinburgh; and success to the important object it had in view.

“ III. Citizen William Skirving charged by the sentence of the Court of Justiciary, with the honour of being the cause of calling that Convention.

“ IV. The London Corresponding Society, and other patriotic societies of Great Britain and Ireland.

“ V. Citizen Maurice Margarot, the condemned delegate of this society; and may his manly and patriotic conduct be rewarded by the attachment of the people.

“ Citizen Gerald then arose, and in a stream of inspiring eloquence, pronounced the just eulogium of this truly valuable citizen, so emphatically called by Citizen Aitchison, (one of the witnesses on his trial) the *Second Sidney*. He concluded with wishing we might rather die the last of British Freemen, than live the first of slaves.

“ VI. Citizen Joseph Gerald, the other delegate of this society, now under persecution; and may his concluding sentiment be engraved upon every British heart.

“ VII. The

" VII. The transactions at *Toulon*. May Briton's remember them as they ought, and profit by *dear bought experience*.

" VIII. *Citizen Hamilton Rowan*, and the other true patriots of *Ireland*; and may the authors of the *Convention-bill* find that they have committed a *bull*.

" IX. *Citizens Muir and Palmer*—May their sentence be speedily reversed, and *Botany-Bay* be peopled with a colony of real criminals.

" X. Success to the arms of *Freedom* against whomsoever directed; and confusion to *despots* with whomsoever allied.

" XI. All that is good in every constitution; and may we never be superstitious enough to reverence in any, that which is good for nothing.

" XII. *Citizen Thomas Paine*—May his virtue rise superior to calumny and suspicion, and his name still be dear to Britons.

" XIII. *Lord Loughborough*, the *Earl of Moira*, *Sir Gilbert Elliot*, and the other apostates from liberty; and may they enjoy the profits of their apostacy *so long as they live*.

" XIV. A speedy and honourable peace with the brave republic of *France*.

" XV. The starving manufacturers and neglected peasantry of Great Britain and Ireland.

" XVI. *Citizen John Frost*; and a speedy restoration of that health which he lost in the dungeons of *Newgate*.

" XVII. The virtuous and spirited citizens now in confinement for matters of opinion; and may we shew them, by our conduct, that they are not forgotten."

Q. Where did you see John Martin?

A. I never see him many times.

Q. Did you never see him at any meeting of that society?

A. Yes, I have.

Q. Was he there at the meeting you now have been speaking of at the *Globe Tavern*?

A. Yes, I see him there.

Q. Was Martin then a member of that society?

A. I cannot say; I saw him attend the Meeting.

Q. Did any body attend but the members on the meetings of the society?

A. Upon my word I cannot tell.

Q. Upon your oath, did you ever know of any person attending the meetings of that society, but the members of the society?

A. There might be many that did not belong to the society.

Q. Was the business that you was with Mr. Martin upon at his house, relative to the London Corresponding Society?

E e

A. It

A. It was on the latter part of the toasts and sentiments, printed on the back of that paper.

Q. Be so good to let us hear what past between you and Mr. Martin?

A. I told him that I thought there were some hard words in the resolutions and in the toasts. He said it was all constitutional, and where no danger could arise from it.

Q. Was that between the 18th and 20th, or after the meeting?

A. It was the 21st, the first day after the meeting, or the second.

Jury (to Davison). Was there any other individuals attended this meeting but what were members; recollect your memory, and think of it, because you positively say to the contrary?

Court. Did you ever admit visitors?

A. Yes; I understood that there were tickets to be given at the bar to any body that chose to call for them, and pay for them.

Mr. Garrow. That applies to the dinner at the Globe Tavern. At the division meeting, if any body chose to go and ask for a ticket, would he obtain it without belonging to the society?

A. No, not without belonging to the society.

RICHARD WILLIAMS sworn.

Q. Do you know Mr. Thelwall?

A. Yes.

Q. Are you acquainted with his manner of writing?

A. Yes.

Q. (a paper shewn him.) Be so good to look at this, and tell me whether you believe that to be his hand-writing?

A. I believe that signature to be his.

Mr. Erskine. I object to this evidence.

Mr. Garrow. I now propose reading a letter which was penned by Mr. Thelwall, who was one of the members of the London Corresponding Society. I will state to your Lordship the ground on which we offer it against the prisoner, Thomas Hardy. We have already proved to your Lordship, that Mr. Thelwall was not only a member of the London Corresponding Society, but that on the subject of these resolutions being passed at an anniversary meeting, he acted as an agent of that society; and I propose to read this letter of Mr. Thelwall, which I state to be a furtherance of that act of agency. It is a letter which Mr. Thelwall wrote to a friend of his, and it purports to contain several seditious songs and toasts, stated to have been sung and composed by Mr. Thelwall at that meeting (this friend of Mr. Thelwall's was not a member of this society, but a private person,) we bring this as a subordinate branch of the conspiracy which we alledge, was to bring

bring all the constituted authorities of the country into contempt, so as to mature the public mind for that grand change which was the object of the conspiracy: we contend, that an act of Mr. Thelwall's, under these circumstances, is evidence. There is another ground—it gives an account of the other affiliated societies, as being in great preparation for that grand catastrophe, which it was their object to bring about; therefore, this letter and this account are receivable evidence against the prisoner at the bar.

Mr. Erskine. Mr. Thelwall appears to have been an agent for the publication of this address, which turns out to be an act of the society, and to have ended in a dinner, at which those toasts were drank undoubtedly; but the difficulty with me is this, they have not yet shewn that the songs were sung at that meeting; if they had, I should not object to the songs being read. But I very much doubt whether any account of songs given by Mr. Thelwall to a third person, can be evidence against Mr. Hardy. What an agent does is one thing, and what an agent says is another thing. An expression, in which another man drives by his own declaration to any particular object, and he makes use of any particular expression to express his mind by, with regard to that object, cannot, I humbly submit to the Court, be evidence against the prisoner. Suppose for a moment that Mr. Thelwall was the agent of Mr. Hardy, what evidence was there that the contents of the letter was true? I own that, in some cases, Mr. Hardy might be bound by Mr. Thelwall's agency; but it does not occur to me, in this instance, that this can be allowed as evidence against Mr. Hardy.

Mr. Gibbs. We cannot have any anxiety to resist the evidence now offered; but if it is received we know not where it may end. The charge now is, whether Mr. Hardy hath compassed the King's death; and whether he hath done that act charged in the indictment as overt acts, for this design. Now with respect to that which passed at the meeting where Mr. Hardy was, and with respect to any thing that was done by any other person, directed and instructed by Mr. Hardy to do that thing, we admit that those things that passed in the society in Mr. Hardy's presence, and that which was done by the direction of Mr. Hardy, would be evidence against him.

But we object to this as a letter written by Mr. Thelwall, and which is not proved that Mr. Hardy ever knew of it, or the contents of it. I confess I cannot say to what point of the indictment this letter can be made evidence against Mr. Hardy.

In the first place, the three charges are—whether Mr. Hardy compassed the King's death; whether he committed any act, stated as the overt act; and, whether he committed them as in that design against the King's life.

I take it, that a letter written without the knowledge of Mr. Hardy, cannot be evidence of his mind with regard to compassing ; with regard to the overt act, there must be proof specific against all the prisoners in the indictment. The present charge is only, whether Mr. Hardy did any of those acts ; and the declaration of any other man, either by word of mouth or by letter, cannot prove it on Mr. Hardy.

Then let us take the prosecution of the fact to be a design on the King's life, eventually ; surely nothing that is said, written, or done by a third person, without the authority of Mr. Hardy, can prove that Mr. Hardy meant to produce an effect which is imputed to him, namely, the destruction of the King. It seems to me, that it is impossible to say that those letters conduce to pertain to Mr. Hardy on any of those three things that are imputed to him in the charge of the indictment, namely, the compassing the King's death ; committing an overt act, or that that overt act was directed to prosecute a design against the King's life. I submit, that on neither of these three grounds is this letter, written by Mr. Thelwall, proof against Mr. Hardy ; therefore it should not be received in evidence.

Lord Chief Baron Macdonald. Unto whom is the letter addressed ?

A. To a person of the name of Bellamy.

Mr. Garrow. It is certainly not in my power to judge of the anxiety of my learned friends, of the consequences of producing this letter, farther than that it is expressed by what they say. I am sure they will do me the justice to believe, that I would not oppose any thing that can be fairly ascribed as argument against receiving this letter as evidence against Mr. Hardy. But we contend, that it is fit to be received in evidence, and that the facts that this letter relates was done under the agency of Mr. Hardy. But we make it evidence in another way. I am not to suppose that my learned friends can limit the acts of those that are at the bar to be done by themselves, or by their order, for we know that if A. or B. should have done one act, that shall have before have been proved to be part of the general conspiracy, to be carried into effect by various means and divers instruments ; it is evidence, because it is fit to receive the act of all that are parties in the general cause, as a furtherance of the general design.

It is not required to prove in a conspiracy, because a conspirator orders horses at a particular place, that he meant to go there to hire the horses, but the fact of having done so, his accession to the general purpose of the conspiracy, is sufficient ; limiting it to the subject of the conspiracy, and not extending it to the crimes of any other dye or nature. This we humbly admit before your Lordship, coming from whom it may, whether

ther from the party on trial, or from any other, in consequence of orders giving him by any one who is involved in the general conspiracy, either before or after, is admissible.

Lord President. I confess I have great doubts myself, whether it is evidence that ought to be admitted. I agree, that where several persons are concerned in a conspiracy, that all the transactions of the conspiracy by the different parties, may and ought to be given in evidence; and it is enough, if the party accused can be brought to be privy to that general conspiracy; for if he is so proved, every thing done by the general party, must also be so imputed to him. If I understand this case, it is nothing more than Mr. Thelwall's account to a private friend, of the part that he had taken respecting of these papers, and his having composed songs; and I remember another passage in it, which will be very material evidence against Thelwall, and my mind should be reserved until Thelwall's own case comes before us.

I consider this private letter no more than Thelwall's private declaration; and Thelwall's private declarations does not amount to any transactions done in furtherance of the plot; for it is a mere recital, a bare confession of his, of some part he had taken. It appears to me, it is not like the evidence that was before admitted, of the fact done by Thelwall, of carrying the paper to the printer, it seems to stand on a very different footing; that was a fact proved against a man which shall bind him, because he is connected with the fact, but this is evidence of no fact, and therefore cannot bind him.

Mr. Justice Buller. There are two things to be considered in cases of this sort. The first is, whether any conspiracy exists at all; and, secondly, whether the prisoner has been privy to it.

In the first place, if the conspiracy is proved, every thing that belongs to that conspiracy ought to be received in evidence. Now, if the case stood on this ground, that Thelwall, one of the conspirators, said, that their object was so and so, that would be evidence, and have been admitted in a variety of cases. In Amory and Purchase's case, it was admitted. The Attorney General says, I call the witness not to speak particularly to the prisoner, but to state what was the opinion of the mob. On cases which have happened in our own days, as of Lord George Gordon, the evidence of what different people in the mob had said, though he was not there, was admitted; and in all the cases in St. Margaret's Hill, the same thing was admitted in many instances, as shewing what was the design on foot. It is a very distinct question, whether the prisoner was to be effected by it. In that light,

as general evidence, it appears to me to be evidence. But, before it can effect the prisoner materially, it is necessary to make out another point; namely, that he consented to the extent that the other did; but when we consider the question of the general conspiracy, any thing that hath been said, may be admitted; still less any thing that was written, ought to be received as evidence.

Mr. Justice Grose. It appears to me, that this is evidence of what the parties meant; by what was done at the place where both these parties were present, both members of one society, and professedly concerned in one plan, and so it is very material to hear what either of them says respecting this plan, for there is no doubt about it, but those papers are respecting this plan; but the intention, the *animus* with which these people meant to publish these papers, must be left with the Jury. My opinion from the beginning to end is and was, that it is evidence.

Lord Chief Baron Macdonald. I heartily bring in my mind to fall in with my Brother Grose, on the definition that he has laid down, that it may be giving in as evidence, as in proof of the furtherance of the conspiracy; and, I agree, that an act done, may be given in evidence; but an act done, is different than a mere relation of an act done as given to another person. I have so great a doubt about it, that I am inclined to reject the receiving it.

Mr. Baron Hotham. I do not think it evidence to be received in this case. I consider it only as a mere relation of what hath past; which relation, if it is to affect the prisoner at the bar, must be a real fact, that happened when the prisoner was present, of which there is no evidence but what is stated in this letter, nor is there any proof that the prisoner was present.

The Lord President. After having heard what hath been said, I remain of the same mind. In the case of Lord George Gordon, the cry of the mob, at the time, was allowed to make a part of the fact of the transaction; therefore, that evidence was received. I have so great a doubt upon it, that I prefer abiding by my own opinion.

Mr. Solicitor General. I speak merely with a view to what may happen afterward.

Mr. Erskine. It is time enough when the case happens.

Mr. Garrow. I am going to offer a letter of Martin's, which I shall prove to be his hand-writing: it is a letter of Martin's to Margarot, after the dinner at the Globe Tavern, who was at that time in custody at the Tolbooth, in Edinburgh, having been apprehended as a part of that British Convention which the magistrates dispersed.

It contains a declaration of universal approbation of the conduct of those delegates who had conducted themselves so in the North; and states other circumstances, one of which is, the manner in which his Majesty had met his Parliament, as also the manner in which he is stated to be received and insulted going through the Park (I offer it as a letter wrote to incite them, and encourage them in the general conspiracy.)

Mr. Erskine. I apprehend that this, on no principles whatever, can be evidence. I shall not draw the Court at all in the construction of the statute of King Edward the Third at this moment. The prisoner is on his General Issue; and I shall address your Lordship, and Gentlemen of the Jury, in due season. This is an indictment for compassing and imagining the death of the King; and to prove which, there are overt acts put into the indictment, which are laid as acts done in pursuance or in accomplishment of this first intention; or, to use the language of the indictment, "to fulfil the traitorous intention, which the charge on record declares that these acts were done.

It is impossible for my learned friend to go farther than to contend, that by these overt acts they involved themselves, in order to effect a forcible subversion of government, which would finally involve in it the death of the King; and that, therefore, this is an overt act; or, in other words, relative evidence to prove the criminal intention, which is the subject matter of this indictment. But your Lordship ought to permit no other act which decyphers his mind to the Jury, any expressions of his own, any thing that he hath done but those which points directly to the purpose of this indictment; for I hope your Lordship will never cease to recollect the crime charged on the record is, compassing and imagining the King's death. Having said thus much, let us see the danger of allowing the letter of a man, who is charged equally on this record, to be one of the conspirators with the prisoner at the bar. Mr. Martin hath a bill found against him; but we, who are now counsel for the prisoner, are counsel for him, as having engaged with the other persons, now in Newgate, to accomplish this most detestable purpose, namely, to destroy the life of the King. Then, as to what this Mr. Martin wrote, it cannot even, with the principles of common sense, be considered as connected with this business, except as a member of the Corresponding Society, which, by the bye, he is not proved to be yet.

Mr. Garrow. Yes; Davison proved that.

Mr. Erskine. We will take him, for argument sake, to be a member of the Corresponding Society, it must not follow, that

that it can be given in evidence; for what I want to know is, upon what principle can you go to affect the prisoner, beyond the prosecution of direct conspiracy charged on the defendant? But then it ought to be on this wholesome ground, which we do not stand here to contradict, that it should be that that can shew or decypher the mind of the prisoner at the bar to the Jury, from whence they can collect, that he intended the death of the King, this may be evidence against him; but if what Martin says is to be brought in evidence against Mr. Hardy, then, according to that, any man in the Corresponding Society, which we could have proved had spoken contemptuously of the King, or who had reviled the King, Mr. Hardy at the same time, not speaking of the King, or reviling him, it would, I say, render that man—that innocent man, as I have a right to style him, answerable for every wicked thing that any man hath said, or any man hath written. With respect to the subject of the letter, I collect from the Attorney General yesterday, that Mr. Martin writes to Mr. Margarot, of a patten having been thrown at the King, in St. James's Park, at his return from *his parliament*, which, by the bye, is the language of the law; and if that expression is at all to be evidence, to decypher the mind of any body, it must be Mr. Martin's; if not Mr. Martin's, nobody at all. I say, that from all that hath been laid before your Lordship this day, and yesterday, the evidence amounts to this, that a great number of people have assembled, in different parts of this island, all driving to one purpose. Your Lordship will recollect, this does not exist in the Corresponding Societies alone, or in its members; but, for an accomplishment of this purpose, they correspond with Norwich—they correspond with Leeds—with Edinburgh—they correspond with all names of the places, that one must look into a Gazetteer to remember them all. If this letter is admitted. According to that, the declaration of every man, and not the declaration of what Mr. Hardy meant, may be evidence against Mr. Hardy; and it has not yet been stated, that the object of all our meetings was to destroy the King. But, if any intemperate man, drunk or sober, chose to make use of any contemptuous expression of the King, (I do not stand up here to vindicate them) are they to attach on the defendant? I enter my solemn protest against this being given as evidence against Mr. Hardy. I must needs do so, when I heard an expression imputed to Mr. Hardy, yesterday, by the Attorney General, which I know does not belong to him. Supposing any man of all that Society should say an intemperate and absurd thing, a criminal thing, is that to be imputed to Mr. Hardy?

Hardy? or, suppose further, a man should take off the froth of some porter, and say thus, I should like to cut off the heads of Kings; though, in the first place, should not I know what Kings he meant? But, suppose any man with whom I am connected with in the Society, established for the Reform in Parliament, use any intemperate expression, am I to be accountable? I know if the papers were laid before your *Lordship*, there might be expressions intemperate—there might be expressions illegal—there might be expressions that ought not to be used—and, as far as your *Lordship* could impute them expressions to me, that would be one thing. But, good God! what man would enter into society, for any one object whatever, if the language of every individual member of that society, could be used in evidence against any one of them? and I will only ask, where this is to stop? If you impute to Mr. Hardy this—if Mr. Martin is to be the decypherer of the mind of Mr. Hardy, I must also call witnesses to prove Mr. Martin's character, and his mind. If then you can go to the length of making the contemptuous declaration of Mr. Martin against the King, to fasten on Mr. Hardy, every other man, who meets on another purpose, and for another end, might even be involved. Is it meant to be gravely said here, that persons meeting together for the accomplishment of a purpose, which purpose appears by the evidence to be what I have now heard, are all to be involved in the expressions of a single man? But shall we say, that the prisoner at the bar, who stands accused of compassing the death of the King, that every thing that is done in his presence, or said in his presence, to which he may be supposed to assent, shall be imputed to him, because he is continually meeting the same persons again afterwards? If Mr. Martin had said this in the presence of Mr. Hardy, and afterward Mr. Hardy meeting with Mr. Martin, had agreed to the expressions, so far I will admit it might be said to be evidence against Mr. Hardy, but not on the ground on which they stand at present.

Mr. *Garrow*. When I shall have proof of the hand-writing, I mean to read it as a letter addressed to Margarot, the missionary of this Society.

(It was not found at Margarot's.)

Mr. *Erskine*. If it had been written to Hardy himself, it is not evidence. I cannot help any man writing to me. I really wish the Court would consider it, in order to see the extent in which this business is opened. We are now far advanced in this second day, on an indictment for compassing the King's death; and if your *Lordship* looks through the State Trials, from the beginning of our history to the present

time; you will find it was never necessary to have recourse to the expedient that was gone into last night; never, I say never. Once in the case of Elizabeth Cannon it was done, I am now told.

If this method of evidence is to be gone into, I protest I do not know where it is to end. If this letter of Mr. Martin's is to be read, Mr. Martin of course must be allowed to explain it, and persons must be brought to sustain him in his explanation. Shall I, in my turn, be allowed to produce letters of all that Society? Certainly not. It would be absurd and foolish to expect it; therefore, on every principle of the law, and on every principle of justice, I object to Mr. Martin's letter being read, unless it can be shewn that Mr. Hardy knew the contents of this letter. I certainly must object to any contemptuous expressions, used in this letter, being imputed to Mr. Hardy.

Mr. Gibbs. This I must say, that offering this letter, is endeavouring to bring before your Lordships precisely the same question again, what your Lordships have just determined. Your Lordships said, in the case of Lord George Gordon, it was proved the declaration of persons, when the prisoner was not present, were received, because he was present at the collection of and during the riots of those mobs, in the transactions of which it was endeavoured to implicate the prisoner; therefore, on that ground, it was admissible evidence, to shew what the object of their conspiracy was, and therefore it was received; but on what ground can this letter be received as evidence against Mr. Hardy? I understand the line drawn to be this: when a man is indicted for that which is done by a great collection of men assembled together, the declarations of the men which were so assembled together, and acting with the prisoner, in that case every act done was admissible evidence, to shew what the object of that assembly was; but why was the last letter not admissible? Because it contained facts, which relation of facts, the prisoner at the bar was not consonant to. What was the contents of this letter? I asked to see it, before I stated any thing to your Lordship's. I was told it was irregular. I now understand it is only a relation of facts; which relation of facts was to excite and keep up the spirit of those people in Edinburgh.

Mr. Garrow. The letter is an incitation in the very terms.

Mr. Gibbs. I am certainly arguing under very great difficulty; therefore, I can only trust on my own recollection, what was loosely stated. It may be the intention to keep up the spirit of Mr. Margarot by the writer of it; but was that the

the object of the prisoner at the bar ; did the prisoner at the bar mean that these facts should be so related ; the mere substance of the letter proves, that the prisoner at the bar is not at all implicated. Shall we say, that whatever the writer of that letter hath imprudently, foolishly, and rashly, and I may say, unlawfully, expressed in that letter, that that rashness and illegality is to be fixed on Mr. Hardy.

It seems to me, that this case comes directly within your Lordships decision in the last argument. In the case of Lord Gordon, part of that multitude at the time were unlawfully collected, for which unlawful collection the prisoner, among others, was charged as part of that multitude, and therefore the behaviour of the mob at the time was allowedly evidence against him. I agree, that what the prisoner says may be evidence against himself, except he can exculpate himself ; but that that should be evidence against Mr. Hardy, to which Mr. Hardy never acceded, I am sure it is against all law, and I am sure it is against all justice. Justice don't require that that which is proved to have past in the mind of one man, should fix an implication of the same guilt on another, who never either at the time or afterwards knew that the letter was written.

Mr. Solicitor General. I shall trouble your Lordship with a very few words, I trust you will think this letter unquestionably evidence of the indictment. It states, that the prisoner, with others, have conspired to compass the King's death ; and one overt act, amongst others is, that they did it by writing and publishing divers books, pamphlets, letters, &c. Now, my Lord, on every principle which hath been stated by Mr. Gibbs, it appears to me, that this is evidence ; and on the authority of the principle which he has referred to, I shall make it clearly evidence. The principle that is stated by Mr. Gibbs being, that what is declared by conspirators, whilst in action, is evidence against those that are present, as well as those that are not ; on which ground this letter is evidence.

Mr. Gibbs. I did not say the conspirators in action ; I say, where a number of men are indicted for a number of acts, and the prisoner at the bar is sometimes present and sometimes absent, that he cannot be implicated in the acts which are done in his absence.

Mr. Solicitor General. I am not very well able to distinguish between what I said and what Mr. Gibbs said ; but I take this letter to be a declaration of the conspirators in the progress of their conspiracy. The former case, which your Lordships have decided, was a letter addressed to a person which we have not shown at all to be involved in the conspiracy ; whereas this is a letter addressed by Mr. Martin (who was shown to be the

(chairman of the meeting) to Mr. Margat, a delegate of that society to the convention at Edinburgh. It is, therefore, a conversation, by letter, between two persons which were parties in a conspiracy, if there existed such a conspiracy. For the first question is, is there proved the existence of a conspiracy? The next thing to consider is, the object of that conspiracy; and then the views of the conspirators, how far they went; and on this ground conversations of these conspirators, totally distinct from the prisoner at the bar, have constantly been given in evidence.

In the prosecution of my Lord Strafford, which was a prosecution in parliament, and where the proceedings went to a considerable length; there the evidence was given, first simply and only of the general plot, and the persons who were capable of bringing it home to Lord Strafford were not examined to that point at first, but examined only as to the general plot. In the course of their evidence they prove a discourse of several persons, with whom the Lord Strafford had no sort of communication; in which the person so conversing told the witness, that there would be a great change in England. To whom was this imputed? to none of those that were included in the impeachment, but Lord Strafford; but that was given in evidence in proof of the general conspiracy, which was then charged to exist for restoring the Roman Catholic religion in this country. The manner in which Mr. Serjeant Maynard speaks of it is this; he says, if it is a general design, or, says he, if there is a general faction of a general party in the nation, if there is a treasonable plot, one transaction in one place and another in another, yet if there be a common consent to accomplish this plot, then what others did, the act of all the persons, though many, and times and places many, and the means with which they were to accomplish them many too, were to be given in evidence. In the case of my Lord Lovatt, the same sort of doctrine was laid down, with respect to the distinction between the evidence of the general plot, and the particular evidence as affecting the individual. The manner in which the Solicitor General of that time states it, is this, it is necessary, by general evidence, to shew that there have been such plots and conspiracies, and then to affect the prisoner, to shew that he was concerned in these plots. This has been the general form of giving evidence, and no objection to these proceedings was taken in many trials which took place after the Revolution in cases of this sort; for this was said as an objection of Mr. Murray, of receiving evidence of a conspiracy, who stated some conversation of Lord Dair; and what was this but giving evidence of the conversation between two conspirators on the subject of the plot,

plot, for the purpose of shewing what was the nature, tendency, and object of the plot, and what were the views of the several persons who were concerned; and with submission to your Lordship, I say this letter is evidence. On the same ground this is evidence *de animo*, how Mr. Martin acted; I do not say it is evidence *de animo*, how Mr. Hardy acted. In regard to the general plot, some of them may have views less culpable than others; but for the Jury to determine what is the guilt of the particular persons charged, the views of the several persons concerned in the plot ought to be laid before them, and especially when it happens to be in a conversation of two of the persons engaged in the plot, as is the case with respect to this letter; then I submit to your Lordship, this is a matter which may fairly and properly be given in evidence, within the view of that determination, which your Lordship has before made; on the very foundation that this is what past from some of the persons engaged in this conspiracy, while it is in its process, and which we attribute to, manifest what the conspirators had in view.

Mr. Serjeant Adair. In order to understand the subject, it is necessary to state the ground on which this evidence is offered, and I conceive that a great part of my learned friend's argument is answered by a consideration of the ground on which the evidence is offered, because I do not conceive, nor do I, for one offer the evidence to the Court on the ground that the idle expressions of Mr. Martin, respecting the King, is any evidence at all against Mr. Hardy, the prisoner at the bar; but I offer it on this ground, that a part of that letter which was offered in evidence is alledged to relate, and your Lordship will find when it is read, that it does relate to an act done by the conspirators in the party of the conspiracy, which by the indictment is imputed to the prisoner. It is a statement of one of the conspirators, who had been in the chair of a meeting which we call the conspirators, held, and alledged as held, for the furthering the views of the conspirators.

The charge against the prisoner is, that of compassing the King's death, by means of a conspiracy; to overturn the constitutional authority of the state, and the government of the country, under colour of a professed design to make a reform in parliamentary representation, and to correct abuses in one branch of the legislature; a design of which the prisoner may be wholly innocent or guilty of, as charged in this indictment; but when this conspiracy is carried on under such a pretext, how is that construction to be collected; how is that ambiguity to be removed, but by the conduct of the conspirators themselves? It is on that ground, and on that alone, that I submit to the court
this

this evidence, and we submit it to the court as shewing the furtherance of the conspirators in the design which this indictment imputes to them.

It seems to me, there cannot be any evidence more directly given to develope the mind and the intention of the conspirators, than that species of evidence which we now offer to the court. I don't say that this letter may be very material to this fact, but the principle is extensive in its application, not only on the present occasion, but on occasions which may hereafter occur, and to which this will be a precedent to posterity.

It seems to me, that the ground on which this evidence is offered to the court, is so directly within the principle of the Earl of Strafford's case, that it seems impossible, without holding that case not to be law, to reject this evidence from being offered to the court.

Mr. Bearcroft. I make no apology for troubling your Lordship in this point, because of its very great importance, and inasmuch as it is of such great and general import, I therefore feel it my duty to attempt to give my assistance in elucidating the subject the best way I can; in doing it, two things I shall avoid; I will not attempt to break in or controvert the rule already laid down by the court, as I understand it: and secondly, I will not repeat a syllable of the learned gentlemen who have gone before me, but I think I can add another observation.

When I say I will not controvert the rule laid down, I wish to state how I suppose the rule has been laid down; as I caught it, it was this, that a mere narration of simple facts that have past cannot be admissible. But when a question of evidence arises in a great extent, I have always been taught, the way to decide on the competency and admissibility of that evidence, is to consider what is the question tried, against whom is the testimony offered, what is the nature of it, and to what purpose is it produced.

I take it for granted, or else I am grossly mistaken, that the object of offering this letter, is to shew that the prisoner at the bar is guilty of high treason, in the species charged in this indictment, and that he, by means of overt acts, which amount to treason, designed to carry this scheme into execution.

Though this is an indictment for high treason, yet because the high treason is to be carried into execution, by means of a conspiracy, all that the law allows just in the admissibility of evidence in the trial of a minor case, is also law in the case of high treason.

I take it to be settled in the trial of every indictment, of conspiracies of every kind, they first charge a general conspiracy, and therefore having once established that, then you go on to shew that

that the prisoner at the bar, together with others charged in the indictment, conspired together. I desire to be understood, that this is not brought as proof for the latter, for that is the whole distinction, in my apprehension. But this paper, now offered to be proved, is admissible evidence to be laid before these Gentlemen of the Jury, on which they are to exercise their judgments, whether the men, whom we alledge were conspirators, together with the prisoner at the bar. It cannot be disputed, that some evidence of that is in the possession of the Court, and it is in the possession of the Jury; they have heard it, because it has been admitted.

When we have got thus far, the prisoner at the bar, together with Martin and Margarot, the two correspondents by letter, the two conversers in writing, are two of the persons engaged in the conspiracy with the prisoner at the bar.

What is the subject of the conspiracy as we contend, I need not state it over and over again, but, in a word or two, I understand it to be, an intention of calling a convention to overturn the government and depose the King, whereby it is obvious to every common understanding, that there must be various species of evidence to be brought before the court.

I contend, therefore, with the utmost deference to the Court, that this is not only competent evidence, for no matter how large it extends, or how short it goes, but I confess that I feel, and I am sanguine in my expectations, that it goes directly to proving the manner of the High Treason charged in the indictment. And I beg leave to advert to another part of the letter, which shews the design, the bad, the wicked, the mischievous, the traitorous and personal design against his Majesty. What I advert to, I will read from the letter; it is in these words: "The King went yesterday to meet his Parliament." Mark, "his Parliament;" there is nothing improper in the expression, very constitutional, and very decent—

Mr. *Erskine* here interrupted, and said, that that part of the letter which his learned friend had chose to read aloud, had been expressly given up within this three minutes by Mr. Serjeant Adair, as not meaning to be evidence against the prisoner.

The *Lord President*. If it was so, that Serjeant Adair had evidently admitted it in that manner, yet that could not conclude the argument.

Mr. *Erskine* asked their Lordships, whether they thought that it is consistent with the rule, which must bind them on this occasion, that in arguing the admissibility of a piece of evidence, to read the very words of the evidence, when certainly they ought only to state the general nature of it. It certainly was

was not within the course of practice to read the very words.

The Lord President. It is very proper to open as much of the purport of it, as to let the Court know and comprehend its contents.

Mr. Erskine again contended, that in order to argue the admissibility or inadmissibility of any piece of evidence, it was not to be read by the counsel of the Crown in the hearing of the Jury. Because if the Court at length should say it was not admissible, it might lead to affect the prisoner in a manner inconsistent with the rules of law and justice.

Mr. Serjeant Adair observed, that he did state, that the part of the letter which was alluded to, was not the ground which they offered it to their Lordships, and would not be evidence against the prisoner; but he did never state, that if there was that in the letter, on the ground on which he contended, that was applicable evidence against the prisoner, that the whole of that letter should not be read; but, certainly their Lordships said, that his admission was of no weight to the Court, the Court must determine for itself.

Mr. Bearcroft then said, that he had received that interruption with the greatest patience, because it was made by a counsel for the prisoner, now on trial for his life. If it had been made in any other place, he could not but instantly have expressed his astonishment at the irregularity, because he conceived it was not only the privilege, when arguing any evidence, to state that evidence to the Court.

Mr. Erskine. I am in the judgment of the Court.

The Lord President said, that the nature of the evidence was what was necessary to be opened.

Mr. Bearcroft conceived that it would be extremely improper for him to be reading the evidence from beginning to end, under colour that it would be arguing the admissibility of it; but he conceived, that the nature of that part as pointed out as one of the main grounds for the admissibility of this letter, should be laid before their Lordships, which was from certain expressions in this letter. It was only two lines and a half; that a woman in St. James's Park, did take off her patten, and threw it with all her force against his Majesty, as he was going through the Park. He submitted, that this was important evidence, for the purpose of shewing the mischievous intention to the King; and why? because this was a letter from one conspirator to another conspirator, exulting in the transaction, enjoying it, and stating it as good news to his brother conspirator; and, on that ground, he conceived it admissible evidence.

Mr.

Mr. Bowers observed, that he should really be ashamed to trouble the Court with a word on this piece of evidence, because it did not appear of so much importance as to demand so much attention; but if the piece of evidence, under the circumstances already suggested, should not be considered as good evidence, he would attend to what their Lordships suggested to be the duty of the counsel, namely, to open the nature of the evidence, for he submitted with great deference, that they had not opened the tendency of this letter, which appeared to him to be the material and indisputable ground on which it should be received in evidence. There had already been proved against the prisoner at the bar a paper, signed by Martin, as chairman, and himself, the prisoner, as secretary, brought home by evidence; in which he therefore, the prisoner, admits Martin was chairman of that meeting. This letter, which was now proposed to be read, was dated the 22d of January 1794. This is at a period subsequent to that convention in Scotland, and it is relative to that convention, and the tendency of the letter, which he wanted to read, was a letter of Mr. Martin's (who had been so proved to be connected with Mr. Hardy) to their delegate in Scotland, who was obliged to come home, his mission being at an end, by telling him that a subscription will now be raised, which will be assistant to him, and that they thought it advisable to have another meeting here; and that is the tendency of the greatest part of the letter which they now offered to the Court; and after they had brought themselves into the situation of shewing that Mr. Hardy, the prisoner at the bar, has admitted Martin the chairman of that society, and they had given evidence to prove, that the object of that society was to create such purposes into effect by means of a convention; and he produced an instrument of a person, proved to be connected with the prisoner at the bar, in the way that Martin has been proved, to proceed in those steps, shewing what was the object of that convention; certainly he was then proving a direct act done in furtherance of that conspiracy, not by shewing a relation of any thing that was past, but by shewing a direct incitement by letter to persevere and go on, with that conduct which is to lead to the ultimate, and which was the object the society had in view.

The Lord President. I understand this letter not to come to that.

Mr. Bowers. Observed it would be stronger if applied to Margarot, if it had come to his hands, but it is evidence of the intent of this Mr. Martin to encourage the party who appears to be intended, to be addressed in this letter. For any letter

written to any body, whether he was one of the conspirators or not, from a conspirator that shall have been connected with the prisoner at the bar, is general evidence in this cause, and the purport of this letter, be it directed to whom it may, being to excite them to this measure, and to forward this measure is not a recital of what is past, but it is a direct incitement to go on in that which we are able to prove, it did therefore with great submission to the court, not appear to him that why they should now, when they had already established an intimate connection between the prisoner at the bar and a member of the society, whom they had proved to be joined to him in acts done, in direct furtherance of the main design, why this should not now be evidence against the prisoner at the bar, he submitted that in this stage of the cause it was evidence that ought to be received.

Mr. Law now rose, stating that he should trouble their Lordships with a few remarks, and they should lye in as narrow a compass as possible, particularly on the ground on which he meant to take the argument, had been anticipated from what has fallen from *Mr. Bower*. With regard to the question whether any piece of evidence is admissible or not, there were three things to be considered. In the first place, the relation of him who writes, secondly, of him who may receive it, and thirdly, the person who is meant to be affected by that letter. There are all three proved that they are members engaged in a conspiracy to subvert the government of these kingdoms; having laid that general ground, he submitted to their Lordships, that it was the custom in the ordinary course of proceedings, to give detached pieces of evidence, any one act of which may be conducive to the general end, and if proved to attach on the prisoner, is so far evidence against him. What is the act done in its general ground, he thought it was included in that overt act mentioned in the indictment, that they have written and caused to be written, sundry books, pamphlets, letters, instructions, to excite and stir up his majesty's subject to the attainment of this object, which object is the subversion of the government, and the deposing of the King; he contended that this letter was a furtherance of this object to encourage *Margarot* to persevere, and for this end he tells him the friends of the society were increasing, their numbers increasing, their prospect of success increasing, that being stated as an object, and the object of the letter, the only question is whether a letter of such a context, confirming a predication of incitement to this object be admissible, and if it be of the nature that we have stated, I conceive there be no doubt of its admissibility.

Mr. Erskine replied, that he considered this debate, in the
stage

stage in which we were now arrived in it, as a refinement in the history of a Court of Justice. Standing here the second day, he appealed to their Lordships whether he and his colleagues, who were counsel for the prisoner, had not been very ready in the reception of evidence, having troubled their Lordships with no argument, or asked hardly even a single question of any witness. He conceived that their Lordships would see that they should have made no sort of objection to this letter if it contained no more than what his learned friend Mr. Garrow opened to the Court, because, if it should turn out not to be evidence against his client, his Lordship would have to tell the Jury to do what it was impossible they could do, because human nature cannot discharge out of their minds a recollection of what they have heard. His learned friend did not open the generality of the tendency of that part of the letter. How was he to know what was in the letter? and therefore, for what he knew, it may be an unpublished letter in Mr. Margarot's possession, and on no principle of the law any evidence at all. He should be unfit to stand here as a counsel to object to its being read if it contained nothing more than all the papers on which the Jury had consumed two days of their precious lives in this Court. At least, Mr. Serjeant Adair said, that which he could not object to—He stated, with that sense that belonged to him, and with the humanity that will ever accompany that sense, that there was nothing in it except the technicallity of evidence, and that the Judge must say the Jury ought not to hear. Up rises the next counsel, and he makes no observations on any other part of the letter, but he fastens on that very part of the letter, and proposes to read that which the council before him admitted was no evidence against his client. He then had their Lordships judgment for the foundation of their objection; but after he was possessed of their Lordships judgment, still the learned counsel went on, and read the very words which he objected against the reading; and having done, he says, he receives the interruption with all the gentleness that belongs to him. This is no trifling matter; he begged leave to say that he stood there for the life of an innocent man, and that he stood there for the law and constitution of England, and he would never suffer any thing while he stood there that was not consonant to both. He said, he agreed with the Solicitor General with what he says with regard to Lord Lovatt's case, so far as it relates to act, and if this had been an act done by Margarot and Martin; then he should say that the act done would be evidence against the prisoner; but what he objected to, that a letter should be produced as evidence which never found its way to Mr. Margarot. If his client was

to be affected by the writing of that letter there was only one thing that he was anxious about. Supposing this letter to be evidence, a paper may be part evidence and part not. If part is evidence and part not, that part which is evidence should be read, and that part which is not evidence should not be read. If there is any part of the paper evidence, part of it may be admissible evidence, and part not. You permit part of an interrogatory to be read in a court of equity, but you will not permit the other. All he objected to in it is the relation of an old woman throwing her patten at his Majesty going through St. James's Park; there was something in it so perfectly ridiculous that it could not be supposed to affect a man that is standing on his trial for his life; and not only so, but it appeared to him to be establishing a dangerous precedent to have things read which did not regard the prisoner at the bar nor the cause before the Court.

Lord President. I agree with Mr. Bearcroft, that he has stated truly what the true nature of this question is, whether if this was merely a trial for a conspiracy, this would be evidence against one of the parties in that conspiracy; because the question whether this prisoner is to be reached on the specific charge against him, is undoubtedly a question whether he is to be reached by that medium, and after the medium is once established, that question arises which I will say no more of. At present it is perfectly clear in the case of a conspirator, the general evidence of the thing conspired is given in evidence, and then the parties present brought before a Court of Justice, is to be affected with his share in it.

The question now is, whether a paper under the hand of a person which is proved to be one of the conspirators, is to be received in evidence. I take it as this case stands, it is not a letter sent to Mr. Margarot, therefore, it may be a paper which may be written privily by Martin, and it may never have gone out of his hands. The question is, whether under these circumstances such a paper is to be admitted in evidence in a case against another person who now stands at the bar. I confess it does not appear to me sufficiently distinguishable from the last case, which we have just now determined, to satisfy my mind that it ought to be received in evidence.

It is undoubtedly true, that the general plot is to be proved by proving the transactions of others, to which the party may or may not be immediately a party; but I conceive this is no more than a mere acknowledgment of the parties, which may be evidence against him that makes the declaration.

For instance, there is a conspiracy charged, suppose a witness
was

was to stand at the bar, and say, that the four persons charged were the prisoners, Martin, Thelwall, and Margarot, or any other parties? Suppose he was to say, that I heard Thelwall say that he was engaged in such a conspiracy, he heard Martin say that he was engaged in such a conspiracy, or that he heard Margarot say that he was present at such a conspiracy, my present apprehension is, that it would be exceeding good evidence against the persons who said it, to prove that they were concerned, but it would be no evidence at all against a third person.

If in the case of Lord Strafford's, a man proved that he had heard A. B. C. converse together on the subject of the conspiracy, that is proof that three persons conspired, and therefore the conversation together is proof that they conspired, but not evidence of the parties acknowledgment only as it could be brought home to them. I have already taken notice in regard to this personal acknowledgment, the having taken a share, or the having meant to incite, is sufficient; for that is the nature of this letter, and would be a very proper evidence, if the prisoner at the bar was to be affected by it. In an indictment for a conspiracy there may be given general evidence, but when a person is indicted by himself there can be no evidence against him, but what proves the existence of the facts with which he is charged in regular evidence. If it happens that a matter of fact should be established against A. does it also become evidence against B. on the circumstance of B's. being connected with A. that is very different to the present case; I always consider that nothing of this sort can be made evidence against individuals, but what comes out of their own mouths, and not what comes out of the mouth of one who is not even an agent of the party, as is the case with the letter, and therefore I think cannot be received.

Lord Chief Baron. In the last question that was before the Court, I confined my judgment at that time to the exact case, namely, the bare relation of an act to a perfect stranger in that conspiracy, as no more than an admission, that may possibly regard himself who wrote it, but cannot regard any of his co-conspirators; but I confess there appears to me a material distinction in this case; this is a paper which is addressed by one of the several conspirators to another of those conspirators, and it is introduced as subservient to the proof of the general nature and tendency of that conspiracy, which is endeavoured to be alledged against the prisoner and others; it seems to me that one of the conspirators addressing a paper to another conspirator, having relation to that conspiracy (and which is not merely

merely a bare description to a stranger) is an act complete in that conspiracy, although it may never reach that person to whom it is intended. It is a complete act in one, though the thing did not reach the other, and I think it may be read.

Mr. Baron Hotham. I remain in the opinion that I gave in the last case, that that letter ought not to be suffered to be read, that letter I consider as a very different letter from this, that was inclosing some songs supposed to be sung at a meeting, sent to an indifferent person. This letter has been written by a man who has been proved Chairman of a meeting at the Globe Tavern, on that day it is proved to be written, though not received; written to Margarot, who has been proved to be the Delegate sent by that meeting into Scotland, and it is stated to contain matters respecting his particular mission at Edinburgh; it is stated to contain matters of incitement and encouragement to proceed in the cause in which he is engaged, namely, in the cause in which he is engaged by the procurement, by the consent, and by the direction of that meeting in London, and that meeting in London has been proved to be composed of the prisoner at the bar, the writer of the letter, his correspondent to whom it was intended to be sent, and others: therefore, I do consider this as strong evidence to shew that one of that meeting, and blended together as it were with the prisoner at the bar, did send such a letter, having in it an excitement and encouragement to their own delegates to proceed in the business in which they were particularly sent, and for which they were both so commissioned, and I think it ought to be admitted as evidence to prove the sense of these conspirators.

Mr. Justice Buller. The case to which I alluded to just now, was Lord William Russell's case, where my Lord Howell goes very large into the evidence, and he there speaks of a conversation with Lord Shaftesbury, in which he mentioned that above ten thousand Irish boys were to follow him whenever he held up his finger, and when the Chief Justice sums up, he repeats these words as evidence of the insurrection, but not to affect the prisoner. In considering the charge whether there has been a conspiracy to effect the life of the King, it is necessary first to shew that there is a conspiracy on foot, and then you go on to prove whether or no was acting a part in this conspiracy. Now it seems to me, if you suppose that such a combination had existed, how in the nature of things can it be made out, but by declarations, expressions, and conversations of those that are parties to it, and the way in which my brother considered it was a material one; suppose an equivocal expression is used, shall not we enquire how they understood it; the first question is to enquire

enquire whether or no there was a conspiracy; then it becomes another question, whether the prisoner is affected by it or not, and he may object finally, that the subject was not so explained to him, nor he so understand it. But the question is now not on the fact of the evidence, but whether it ought or ought not to be received, and inasmuch as it goes to prove the existence of the conspiracy it must be received.

Mr. Justice Grose. I am quite of opinion with my brethren who think that this evidence must be received for the purpose of shewing a conspiracy, and what the nature of that conspiracy was. An address has been already produced, the contents of which address was, that Mr. Martin was the Chairman, and the prisoner, secretary, and that there was correspondence between the prisoner, Margarot, and Martin, and Martin and Margarot, then is it not very material for us to shew the nature of the conspiracy? what one conspirator wrote to another respecting these very acts in the course of the transactions relative to this very plan? and when it is said that this is merely a confession or writing, I think it is more, because we know very well, that *scribere est agere* writing is an act, and such an act to shew there was a plan of a conspiracy, and may shew for what intention and purpose that plan was laid down.

JOHN WALKER sworn.

Q. I believe you are an attorney?

A. Yes, I am, Sir.

Q. Are you acquainted with Mr. John Martin?

A. I am.

Q. Are you acquainted with his character and hand-writing?

A. I am.

Q. Be so good to look at that letter (*a letter shewn him*), and tell me whether in your judgment the whole of it is his hand-writing, particularly the signature: do you believe that to be Mr. Martin's hand-writing?

A. I do.

Q. Look at the superscription.

A. I believe that to be his hand-writing.

(*The letter read by the Clerk of the Court.*)

Dated Richmond-buildings, Jan. 22, 1794, signed John Martin. Addressed to Citizen John Margarot, Tolbooth, Edinburgh.

"I dare say you think I have forgot you, from my not having written to you; but you know my sentiments so well that it was unnecessary for me. With regard to Lord Edward, I have not been able to get any thing like a settlement. To-morrow is the first day of term, when I shall rule the Sheriffs to return the writ, &c.

"We

" We were yesterday at Chalk Farm ; the newspaper says we were five hundred, but we were nearer two thousand, and we were tolerably bold. Your conduct received universal approbation. Those who opposed the subscription at first are now putting their hands to the bottom of their pockets, and swear by G—d you shall be supported.

" Have you read my Letter to Lord Lauderdale ? Are you inclined to try a writ of error ? What do you think of my countrymen ? I firmly believe the law is the only science of which they know nothing, &c.

" Yesterday the King went to meet his Parliament, and I am told that a woman, moved and seduced by the instigation of the devil, did take off her patten, and throw it with all her force against his Majesty. God save the King, (or, as Gerald says, —.)

" The society is increasing rapidly both in spirit and number, and the rich now begin to come among us, and sit down amongst honest men in their leathern aprons, &c.

" Postscript. Citizen Gay says more than I dare write."

2. (To Mr. Gurnell—a letter shewn him.) You found this in Mr. Hardy's house ?

A. Yes, I did. (*Read by the Clerk of the Court.*) It is a letter from Margarot to the prisoner.

Dated Tolbooth, 24 Jan. 1794. Addressed to Mr. Thomas Hardy, No. 9, Piccadilly, London.

" DEAR HARDY,

" I have just received your letter, dated, by mistake I suppose, the 19th, giving me an account of the dinner at Ramsay, and giving me a 10l. bank note. I wish the society may not forget me altogether ; but however, should they, I am determined to pursue the same kind of conduct, even if I pursue it alone. But however, the Sheffield society has behaved far different from our own towards their delegate. If you publish my trial it may be necessary to place my handsome figure in the front. If so, Mrs. Margarot can furnish you with the miniature, &c.

" Do you not see that the mob would be the better for losing a little blood ; it would have a great effect on the public mind ? &c.

" I must again observe, that the Sheffield people seem more in earnest than the Londoners. I ask for the money because I am in arrears here more than the society have sent me.

" Since my last we have had an additional padlock put on our door, and the Captain of the Tolbooth is not trusted with the keys at night, but carries them to the Magistrates, and calls for them in the morning,

" Here

" Here they make no dinners but yet they might, it appears that worthy Skirving was not noticed in your cups. The Scotch lads were more kind than the L. C. S.

" Has Martin done any thing for me ?

" The Duke of Portland, though he joins Ministry, ought to pay the bill for his brother Lord Edward Bentley.

" Armed associations are, I perceive, now set on foot by the rich. Why should not the poor do the same ? In London you garnish your axe, and like lambs content yourselves with bleeding. Pray let me hear from you soon.

" Your's, M. M."

Q. (*To Gurnell—a paper shewn him.*) Did you find that paper in your hand at Hardy's ?

A. I did. (*Read by the Clerk of the Court.*) It is a letter of the Bristol Constitutional Society.

Dated Bristol, the 28th of January, 1794, signed J. Lawrence, Secretary, and addressed to Thomas Hardy.

" FELLOW CITIZENS,

" I am again authorized to write to you, signifying the gratitude of our society for your second epistle, which came to my hands the 3d instant. After reading its contents, I collected as many of our friends as I conveniently could that evening—we read—we blushed—we took courage;—we did more, for we resolved on re-assembling, as we had appointed prior to the determination we announced in our last. We intend publishing an address or, something declaratory of our sentiments, with all convenient speed;—as soon as this is effected, we shall send a copy or copies to you. From the Courier and Evening Gazette we have had information of the trial of Mr. Margarot, and his sentence to fourteen years transportation. We are by no means at a loss in forming a judgment of the noble cause in which he with others are embarked, *nor would we be frightened at such sentences.* You see, citizens, your second epistle has quickened our courage, and vivified our patriotism, and roused us to resolution; *and more, our number is now considerably increased*—perhaps your third epistle may do greater things still;—we are sensible 'tis a noble—'tis a virtuous—'tis a godlike and immortal cause in which we are now mutually embarked; and though for parts our effort can be but a feeble one, yet the cause we espouse is mighty—is energetic.—It will finally prevail and prosper: It is our firm opinion, could we but arouse them, that patriots would become nearly the majority of our city. We expected to have had the dozen of the Englishmen's Rights, which you mentioned in your first epistle—hope you will send them speedily.

" We are, fellow citizens, yours sincerely,

" The Bristol Society for Constitutional Information, &c."

H h

Q. (*To*

Q. (*To Edward Lauzun—a paper shewn him.*) Where did you find this paper?

A. At Mr. Hardy's.

(*Read by the Clerk of the Court.*)

“CITIZENS!

“The critical moment is arrived, and Britons must either assert with zeal and firmness their claims to liberty, or yield without resistance to the chains that ministerial usurpation is forging for them. Will you co-operate with us in the only peaceable measure that now presents itself with any prospect of success? We need not intimate to you that, notwithstanding the unparalleled audacity of a corrupt and overbearing faction, which at present tramples on the rights and liberties of the people, our meetings cannot in England be interrupted without the previous adoption of a Convention Bill: a measure it is our duty to anticipate, that the ties of union may be more firmly drawn, and the sentiments and views of the different societies throughout the nation be compared, while it is yet in our power, so as to guide and direct the future operations of the friends of freedom. Rouse then to one exertion more; and let us shew our consciousness of this important truth—“If we are to be beaten down with threats, prosecutions, and illegal sentences, we are unworthy—we are incapable of liberty.”—We must, however, be expeditious. Hessians and Austrians are already among us; and, if we tamely submit, a cloud of these armed barbarians may shortly be poured in upon us. Let us form, then, another British Convention. We have a central situation in our view, which we believe would be most convenient for the whole island; but which we forbear to mention, (entreating your confidence in this particular) till we have the answer of the societies with which we are in correspondence. Let us have your answer, then by the 20th, at farthest, earlier if possible, whether you approve of the measure, and how many delegates you can send, with the number also, if possible, of your societies.

“We remain yours,

“in civic affection,

“The LONDON CORRESPONDING SOCIETY.

“T. HARDY, Secretary.

“For the management of this business we have appointed a Secret Committee; you will judge how far it is necessary for you to do the same.”

Q. (*To Alexander Grant—a paper shewn him*) Tell me whether you believe this to be the prisoner's hand writing?

A. I do believe it.

(*Read*

(*Read by the Clerk of the Court*)

Dated, London, March 12th 1794, signed Thomas Hardy.

"CITIZEN BUCKELL,

"I have just time to inform you that I see our worthy delegate, Margarot, on board the Surprize at Spithead. He is conscious of having broken the law in this country, but only doing his duty as every good Citizen is bound to do, for promoting the happiness of his fellow creatures, by opposing every measure and every means, that wantonly oppose all laws human and divine; he has that conclusion in his own breast, however the enemies of mankind are punishing him as an evil doer; but according to human appearance, the reign of the boast of civil and ecclesiastical power, is almost at an end. Thanks to the Supreme Ruler of the universe, for his great goodness hitherto, and the bright prospect before us. I delivered the 20l. you gave me for his use into his hands, it was very seasonable.

"This moment I have received a letter from Muir, informing me that the convoy hoisted her signal for sailing.

"I saw the captain, he appears to be a very good kind of man, and bears a very good character. I hope you will excuse me entering into detail any further, for I have not another minute to spare. If any friend you can trust can come to town I will give him a full account, what think you of a convention? Farewell.

"THOMAS HARDY."

Q. (*To Gurnell—a paper shewn him*) Did you find that letter in Mr. Hardy's possession?

A. Yes.

(*Read by the Clerk of the Court*)

Dated 9th of April, 1794, signed, Alexander Mitchell, Secretary. Addressed to Mr. Thomas Hardy, Shoemaker, No. 9, Piccadilly, London.

"FELLOW CITIZENS,

"The society at Strathaven received your letter sometime ago respecting another British Convention to be held in England, and finding it would be inconvenient for them to send a delegate for themselves alone, the cause being much oppressed by prosecution, &c.

"You will therefore forward your order to us, when and where the convention is to meet, with any other instructions you may think necessary. We shall instruct our delegate with the number and strength of our society. We remain yours in the cause of liberty, for the United Society,

"ALEXANDER MITCHELL, Secretary."

Direct to Alexander Mitchell, Strathaven.

Q. (*To Gurnell,—a paper shewn him*) Where did you find that paper?

A. At Mr. Hardy's.

(*Read by the Clerk of the Court.*)

Dated from Newcastle, April 14, 1794. Addressed to Mr. Hardy, No. 9, or 19, Piccadilly, London.

"By desire of a number of friends, to a radical reform in the constitution here, I make free to trouble you. We live in a place where an aristocrat magistracy endeavours to stop the genial and benign spirit of national liberty from spreading, notwithstanding a very great number are found here that dare assert the natural and unalienable rights of man, and bear their testimony against the tyrannical encroachments of assumed power on those rights; a good number have formed themselves into societies, and meet weekly, admitting *none but known friends*; and have assumed no name but that of newspaper companies; these were in great spirits while the British Convention continued to act; but after their suppression a damp was cast on the whole.—Subscriptions were ready to be sent off the very night they were suppressed, and the Gazetteer stopped, which has since been remitted to London, for the use of the persecuted worthies, Muir and Palmer.—Being charmed with your masterly and bold approbation of the conduct of your delegates and noble martyrs for truth, Margaret and Gerald, and find your name signed secretary to the Corresponding Society, we wish to copy your example; and beg, if you think us worth your notice, give us your views and intentions as soon as convenient, which, I hope, will be a means to stimulate and increase our numbers. Lest this should not come to you, as I have an uncertain direction, I forbear troubling you more at present, in hopes of being favoured with your future correspondence.—Farewel, hoping the hydra of tyranny and imposition shall soon fall under the guillotine of truth and reason.

"Your's, with all due respect, &c.

"CITIZENS."

Q. (*To Gurnell—a paper shewn him*) Did you find that in the possession of the prisoner?

A. I did.

(*Read by the Clerk of the Court.*)

London, May the 1st, 1794. Signed, Thomas Hardy, Secretary.

"CITIZEN,

"It is with pleasure the London Corresponding Society hear that a society, on a similar plan, and with the same patriotic objects in view, is likely to be established at Newcastle upon Tyne.—If ever a crisis arrived that required the exertions of the people to stop the torrent of corruption, infamy and despotism, that seems likely to overwhelm them, it is the present—
in

in God's name then, let us use these exertions.—We are called upon by every thing that is dear to us, as men and as christians. The cause of truth and liberty must finally be omnipotent; therefore, doubt not that the *glorious reign of liberty and equality* will ere long be established, and *modern governments, with every appendage of wickedness and corruption, will flee in time* from their genial influence, as beasts of prey to their dens of rapine and darkness from the rising Sun. The London Corresponding Society have beheld with indignation the rapid advances of despotism in Britain, and are ready cordially to unite with every other society in the three kingdoms, who have for their object a full and effectual representation of the people; they therefore have deputed six of their members to meet six members of the society for Constitutional Information, to form a committee of correspondence and co-operation; this committee meets regularly twice a week, at No. 2, Beaufort-Buildings, Strand, where any member delegated by your society will meet with every information required.—We inclose you a few of our resolutions, entered into at our general meeting on the 14th of April, which will be sufficiently explanatory of our sentiments and views. *We heartily unite with you in wishing that the hydra of tyranny and despotism may soon fall under the guillotine of truth and reason.*

“ FRIENDS.”

Q. (To Gurnell—a paper shewn him) Did you find that paper at Mr. Hardy's house?

A. I did.

(Read by the Clerk of the Court.)

Dated Bristol, April 24. Signed John Cockburn, directed to Thomas Hardy.

“ FELLOW-CITIZEN,

“ You may be sensible, from our last communication, that in the infancy of our patriotic efforts we had many difficulties to overcome, and many strong prejudices to combat.—We laid open to you our real situation; we told you our determination to address the public, and assured you of our unalterable perseverance in the glorious cause of freedom.—This perseverance, however, and these exertions of an individual society, can but little avail, if the societies in the different parts of the kingdom are in themselves disunited, or do not aid and assist each other, agreeable to the principles of philanthropy and *fraternity* which they so warmly profess. Under this idea, we conceive ourselves treated with a degree of *incivism*, by your society not answering our last letters; the reasons may be good.—At present we are candid enough to confess, that the circumstance does not appear to us in the most favourable point of view. Our address, of which we send you a few copies, we find to have a
good

good effect, and is likely to beget us the assistance of many friends, while our enemies acknowledge there is something very fair and reasonable in the production.—This is an absolute victory; and we have reason to congratulate ourselves on the prospect of success it opens to us. With a mixture of pain and pleasure, we saw an account of your last general meeting; we lament that the *strong hand of despotism* should so often interfere to prevent the assertion of the rights of the people, while we rejoice in your manly constitutional perseverance, and *applaud and approve your resolution of forming another general Convention*: Our *increasing numbers* give us every reasonable hope of soon being able more *effectually to co-operate with you*; while, for the reasons formerly stated, we cannot yet make a positive promise on that head. We hope for an immediate answer.—Favour us with your opinion of our address, and transmit a sketch of your plan respecting the general Convention.

“By order of the Committee of delegates appointed by the
“Bristol Constitutional Society.”

Q. (To Gurnell—a paper shewn him) Where did you find that letter?

A. At Mr. Hardy's house.

(The letter read by the Clerk of the Court.)

From the Norwich Society. Dated April 29, 1794, addressed

“CITIZEN HARDY,

“It is with great satisfaction we view the manly conduct of you and your colleagues, especially when, surrounded as you are, by a domineering aristocracy, who, notwithstanding their great bluster, are but chicken-hearted;—Witness our Norfolk Quixottes, who, after being completely foiled at their county meeting, were determined to subscribe to support an armed aristocracy: But, pray, tell it not in the metropolis, that a noble Marquis subscribed no more than 200l. and another high-pensioned Lord but 100l. an Alderman and leader, and very fierce for Church and King, the enormous sum of 20l.—These are the men who are ready to spend their lives and fortunes;—but enough of such privileged beings! We should be glad to know whether the friends of the people consent to a convention, and whether they will take an active part.

“Please to accept of a few of our bills. We should esteem it a favour that you would send us a few of your late declarations.

“P. S. Many of our friends are fully convinced of the necessity, legality, and rationality of a convention. But, Query—whether the time be expedient?

“JAS. BIGGS, Chairman,

“J. SAINT, Secretary.”

Direct to J. B. jun. seedsman, Magdalen-street.

Q. (To

Q. (To Gurnell—a paper shewn him) Where did you meet with that?

A. I found it in Mr. Hardy's house.

(Read by the Clerk of the Court.)

Dated April 12th, 1794. Signed Joseph Powell, and addressed to Mr. Hardy. No. 9, Piccadilly, London.

" SIR,

" I have repeatedly seen your name in the newspaper, as secretary to a certain institution, called the London Corresponding Society; but from my enquiries in the country, I have not been able to acquire any of the rules of the society, nor the precise purposes for which it is to be established. I have therefore troubled you with this letter, desiring you to inform me with the object the society has in view, and the means they use to obtain it.

" I am, yours,

" JOSEPH POWELL."

" Address to Joseph Powell, surveyor, the Sun-tavern, Hereford."

Q. (To Gurnell—a paper shewn him) Where did you find that?—look at that.

A. At Mr. Hardy's house?

(Read by the Clerk of the Court as follows.) It is without a date, indorsed, an answer to Hereford.

" In answer to your letter, dated the 12th, I have to inform you, that the London Corresponding Society have not only the glorious design of decreasing the power of a monster, whose hideous features need only be exposed to render it an object of universal terror and detestation, and to expose vice, to paint virtue in its true colours, to acquaint our fellow-citizens with their dearest rights—the rights of man; and by a brotherly union, give them an opportunity to demand those rights; those are the means we use, and we doubt not, but in executing these means, we are doing our duty to God and our country, &c.

" We invite you and your fellow-citizens to join with us in the same glorious cause."

Mr. Garrow. Here is a letter from Sheffield I am going to read, found in the possession of Thelwall, who is charged as being an agent in this conspiracy, and addressed to the prisoner at the bar.

Mr. Erskine. Though this might go to prove the conspiracy, as it is called, I cannot see how it can affect the prisoner. How does it appear that it was the same Sheffield society with which this society corresponded; is it the same hand writing?

Mr. Garrow. I said it purported to be a letter from a society in Sheffield, written by order of the society, addressed to Hardy, and

and found in the possession of Thelwall; if it is objected to, I will not press it.

Mr. Erskine. We do object to it.

Lord Chief Justice. I think this letter is in a different situation from the other; it is a letter written from a society addressed to the prisoner, and found in the hands of a person who appears to be involved in the guilt of the prisoner.

WILLIAM TIMSS sworn—examined by Mr. GARROW.

Q. Are you one of his Majesty's messengers?

A. Yes, I am.

Q. Did you seize any papers in the house of Thelwall?

A. Yes; some few that were on his person.

Q. You put your name to those you seized?

A. Yes.

Q. See if that is one?

A. Yes; that is one.

(The paper read by the Clerk of the Court.)

Sheffield, May 11th, 1794.

"FRIEND AND FELLOW-CITIZEN,

"The friends of peace and reform in Halifax having held a general public meeting in the open air, on Monday April 21st, 1794, at which were many friends from Leeds, Wakefield, Huddersfield, Bradford, and the adjacent neighbourhood, the friends of freedom, after the meeting, agreed to hold a general meeting of delegates at Bristol, in order to consider on the measures to be adopted by them preparatory to a *General Convention*. After which our worthy friend, citizen ——— of Halifax, being ordered to Sheffield to get the proceedings of the meeting printed, and consult with us upon the subject, they were advised by us to defer at present the meeting of delegates, *until further information from you on that subject*. I was therefore ordered, at our last committee meeting, to write to you, requesting the favour of as early intelligence as possible on that important business. We are not in the least intimidated in Sheffield, as we can call and hold a public meeting whenever circumstances renders the same necessary; besides, in the house where I reside, we have a large commodious room, where the society can peaceably meet in rotation.

"By order of the Committee,

"WILLIAM BROOMHEAD, Secretary."

Q. *(To Scott—a paper shewn him.)* Was this paper found in the house of Mr. Skirving?

A. Yes.

(Read by the Clerk of the Court.)

Dated Edinburgh, Oct. 30, 1793, signed John Gartley.

"The delegation from Glasgow moves, That the Convention

tion take into their consideration the nature and extent of a resolution adopted by their constituents, and by most of the other societies in Scotland, and afterwards ratified and approved of at the General Convention held at Edinburgh in December 1792, the import of which was, That if any member of their society associated for the purpose of obtaining a parliamentary reform, should, while in the legal prosecution of that object, be oppressed or persecuted by the *arm of power*, they should not only meet with the assistance of the society to which they belong, but also by the united efforts of all their brethren in Scotland.

“ Since the above period, however, we are sorry to say, several of our members have been *persecuted*, and that in a most wanton manner, and the above resolution (which if duly put in force would, we humbly apprehend, have the happy effect of emboldening those who have already come forward, and of encouraging others who have not yet taken any active part to unite their efforts in the general cause) has never yet been attended to.

“ We therefore humbly move, that the Convention take into consideration the above particulars, and consider what measures may be most conducive towards the performance of the obligation we lie under, in consequence of that resolution, and thereby shew to the world that we are not unmindful of those that may suffer in their country's cause.

“ JOHN GARTLEY.”

Q. (*To Lauzun—a paper shewn him.*) Is that one of the papers that you received at Mr. Hardy's house?

A. Yes, it is.

Mr. Garrow. This is a paper found in the possession of the prisoner, dated 15th June, 1792, signed D. Adams, Secretary to the Society for Constitutional Information, in answer to a letter of the 10th inst. from the London Corresponding Society to the London Constitutional Society, to adopt six of their members; addressed to the Chairman of the London Corresponding Society.

(*Read by the Clerk of the Court.*)

“ At a meeting held on Friday the 15th of June, 1792, it was ordered, That the Secretary be desired to inform the Secretary of the London Corresponding Society, that this society received their proposal with pleasure, and are willing to admit such six of the members whom they shall nominate, to be associated members of this society.”

Q. (*To Grant—a paper shewn him.*) Do you believe that to be Mr. Hardy's hand-writing?

A. I believe it is?

Mr. Garrow. This is a letter of the prisoner to the Chairman of the Society for Constitutional Information of July

the 6th, which makes the connection between the two societies.

(Read by the Clerk of the Court.)

Dated July 6, 1792, signed Thomas Hardy.

" SIR,

" In the name of the London Corresponding Society, I have to return thanks to the Society for Constitutional Information, for their present of two hundred copies of their resolutions respecting the King's proclamation; as also for the two hundred copies of Mr. Paine's Letter, &c. likewise Mr. Paine's Letter to Mr. Secretary Dundas: by care in the distribution of them, those six hundred papers shall be seen by as many thousand persons.

" We find ourselves highly favoured by your readiness to admit six of our members among you; I am directed to forward to you the following six names, as the persons chosen by our society for that honourable purpose; our sense of the favour so conferred will be best expressed by their close attendance at your instructive meetings, and constant endeavours to forward the so beneficial and so much wanted reform of parliamentary representation.

" I am, Sir, with great respect,

" Your very humble servant,

July 6, 1792.

" THOMAS HARDY, Secretary."

" The following are the names chosen by our society: Thomas Hardy, Maurice Margarot, John Richter, Mr. Littlejohn, Mr. Grant, and William Gow."

DANIEL ADAMS sworn.—Examined by Mr. BOWER.

Q. I think you acted as Secretary to the Constitutional Society?

A. Yes.

Q. Is that the book in which your proceedings were entered?

A. Yes.

Q. Are the entries of the proceedings of the society regularly made in these books?

A. Yes.

(Some extracts from it read by the Clerk of the Court.)

" July 17, 1792. At a meeting held at the Crown and Anchor Tavern, in the Strand, present, John Martin in the chair, the following six gentlemen, recommended in the London Corresponding Society to be associated with this society, were unanimously elected.

" July 20th. At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, in the Strand, present, Mr. Frost in the chair, Mr. J. H. Tooke, Mr. Semple, Mr. Bonney, Mr. Edwards, Mr. Rickman, Mr. Hull,

Hull, Mr. Sharp, Mr. Parkinson, Dr. Kentish, Mr. Sturch, Mr. Constable, Mr. G. Williams, Mr. W. Rennington, Captain Harwood, Mr. Bush, Mr. Bush, jun. Mr. Chopping, Mr. Bakewell, Mr. Hird, Lord Semple, Mr. Jenny, Mr. Balmano, Mr. Fitzgerald, Mr. Adams, Mr. J. Williams, Mr. Chetwind, Mr. Bailey, Col. Keatings, Mr. Aspinall, Mr. Gow, Mr. Hardy, Mr. Grant, Mr. Moore, Mr. John Martin, Capt. Perry, Rev. Dr. Towers.

(*The Clerk reads*) " 20th July, 1792. At a meeting of the society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Mr. Frost in the chair, a committee were appointed to take into consideration Mr. Paine's letter, wherein he offered the society 1000l. in trust, to be distributed by them."

Q. (*To Adams.*) Were these entries in the book made at the time of meeting?

A. They were.

Q. Were the minutes of the former meeting ever read as part of the business of the society?

A. The minutes of the last meeting were generally read the next meeting.

Q. Were these books liable to the inspection of the members of the society?

A. During the sitting of the society there on the table.

Q. For the inspection of the members?

A. As they thought proper.

(*The Clerk reads*) " At a meeting held at the Crown and Anchor Tavern in the Strand, Friday, July 27, 1792. Present, Mr. Chopping in the Chair, Mr. G. Williams, Mr. Hardy, Mr. Gow, Captain Perry, Mr. Sinclair, Mr. Geddes, Mr. Aspinall, Mr. Gerald, Mr. Littlejohn, Mr. Wood, Mr. Sutton, Mr. Moore, Mr. John Martin, Lord Semple.

" The committee appointed to take Mr. Paine's letter of the 4th instant in consideration, had to consider the manner in which the society should communicate their determination of his offer of a thousand pounds in trust to the society as they should think proper.

" Resolved, That it is the opinion of this Committee, that the offer of Mr. Paine be respectfully declined.

" Resolved, That this be transmitted to Mr. Paine, in the following manner,

" Sir,

" I am directed by the society of Constitutional Information to return you their sincere thanks, in proposing them to become trustees for a thousand pounds, which has been produced from

the profits arising from the sale of the Rights of Man, they have a just view of the eminent services, which has been rendered to the public, by your invaluable writings, have never yet met a reward, and we think it exceeding unjust to deprive you of any benefits that shall arise from their sale.

“ That the society write to Mr. Paine, to know whether it be agreeable to him, whether the letter of the 4th be published and printed.”

JEREMIAH SAMUEL JORDAN sworn.

Mr. Bowers. I shall prove a letter of Mr. Paine's to this Society.

Q. (*To Mr. Jordan*) You are a Bookfeller?

A. Yes.

Q. Do you know Mr. Paine?

A. Yes.

Q. Do you know his hand writing?

A. I think I do.

Q. Look at it, and tell me whether that is his hand writing?

A. I think it is, to the best of my recollection it is his hand writing, I never saw him write, I have received notes from him.

Q. And answered them?

A. No.

Q. How did you know they came from him?

A. I have received notes from him and I suppose they came from him, I have delivered things according to his order.

Q. Have you ever talked to him after you received these notes, so as to know that they came from him or not?

A. I do not know that ever I did; supposing they came from him, I sent the things that were ordered.

Q. Is this one of the books that you published! (*Paine's Rights of Man put into his hands*) Do you believe that to be one of the books you sold?

A. I cannot say that, because there were a number sold.

Mr. Erskine. Can you swear to that book?

A. I cannot swear to that book, that is one of the books the same that I did publish, but whether it came from my house I cannot say, because all books are alike.

Mr. Bowers. Is that like the same book?

A. Yes, Sir.

Q. Who printed it?

A. Mr. Chapman printed the whole of the first part, and the second was printed by Mr. Chapman and Mr. Crowder, I believe.

Mr. Solicitor White. The witness that bought it is dead, that bought

bought it at Mr. Jordan's shop, and I must prove his handwriting.

Mr. Bowers. I have the record of the conviction of Paine for this, and this man was then examined, and I can have what he said then.

Mr. Erskine. It cannot be evidence.

Mr. Garrow. I know it is open to the other side, to shew that this is not the Rights of Man recognized by these resolutions.

Court. The rule of the evidence requires that you should carry it farther.

Mr. Bowers. Do you know how far Chapman printed it?

A. I believe he went as far as (H), but I only know from what I have heard?

(The following extract from the minute book of the Constitutional Society, was then read by the Clerk of the Court.)

"At a meeting of the Society for Constitutional Information held at the Crown and Anchor Tavern, Strand, Sept. 28, 1792, present Mr. Sharp in the chair, present Mr. Walsh, Mr. Simmonds, Mr. Bonney, Mr. Drury, (Mr. J. H. Tooke,) Mr. John Martin, Mr. Jennings, Mr. Williams, Mr. Sturch, Mr. Moore, Capt. Perry, Mr. Rixmen, Mr. Geddes, Mr. Hardy, Mr. Gow, Mr. Margarot, Mr. Sinclair, Mr. Berriman, read the following letter from the Secretary of the London Corresponding Society, to D. Adams, Secretary of the Society for Constitutional Information.

"SIR,

"The London Corresponding Society having taken the resolution of transmitting to the French National Convention an address signed by all the members, or by the different delegates, each stating for how many members he signs, to assure that suffering nation that we sympathize with them in their misfortunes—that we view their exertions with admiration, that we wish to give them all such countenance and support as individuals, unsupported and oppressed themselves, can afford; and that should those in power here dare (in violation of the nation's pledged faith of neutrality, and in opposition to the well-known sentiments of the people at large) to join the German band of despots united against liberty, we disclaim all concurrence therein, and will, to a man, exert every justifiable means for counteracting their machinations against the freedom and the happiness of mankind.

"I am ordered by the Committee to acquaint the Society for Constitutional Information therewith, in order to be favoured with their opinion thereon, and in hopes that if they approve the
idea,

idea and recommend its adoption to the different Societies, the publication of such a respectable number of *real* names will greatly check the hostile measures which might otherwise be put in execution.

" I am, with great respect,

" Dear Sir,

London, Sept. 21, 1792.

" Your very humble servant,

" T. HARDY, Secretary.

" Resolved, That the Secretary express the thanks of this Society to the London Corresponding Society, for their communication; and acquaint them that this Society do very highly approve of their intention.

" Resolved, That the said letter be read at the next meeting, for the purpose of considering or publishing the same."

Mr. Garrow. I am going to put in the first part of the Rights of Man, written by Thomas Paine, this was actually found in the prisoner's possession; this is one of the cheap copies.

Q. (To Lauzun.) Be so good to look at this and see if that is one of the papers found at the prisoner's house?

A. It is; my name is on it,—that is my hand writing, and sometimes I marked them within side besides.

Q. Look at that other paper? (*Mr. Paine's letter to the People of France.*)

A. That I found in his possession.

(*Read by the clerk of the Court, of which the following are extracts.*)

" FELLOW CITIZENS,

" I receive with affectionate gratitude the honour which the late National Assembly has conferred on me by adopting me a Citizen of France, and the additional honour of being elected by my fellow-citizens a member of the National Convention; wholly impressed as I am by these sentiments of respect, I feel my felicity increased, by seeing the barrier broke down, &c. Had these honours been offered in an hour of national prosperity they would have afforded no other means but my accepting them and enjoying them. I come not to enjoy repose, convinced that the cause of France is the cause of all mankind; and as liberty cannot be purchased by a wish, I gladly share with you the dangers and honours necessary to success.

" I am well aware that the moment of any great change, such as that accomplished on the 10th of August, is a moment of terror and confusion, the mind continually without rest till the change be accomplished.

" It is no longer the paltry cause of Kings, or of this or that individual, that calls France into action; it is the great cause of all; it is the establishment of a new æra that shall blot despotism from

from the earth, and fix on a lasting basis the republic of man, &c.

"It has been my lot to have borne a share in one revolution. I mean the revolution of America. The success that has since flowed to that country has amply rewarded her for all the hardships she endured and the dangers she encountered, and an overruling providence is regenerating the old world by the principles of the new.

"It is the peculiar honour of France that she now raises the standard of liberty for all nations, and in fighting her own battles, contends for the rights of all mankind. The same spirit of fortitude that insured success to America will insure it to France; for it is impossible to conquer a nation determined to be free.

"The despots know not what it is to fight against a nation; they have only been accustomed to make war one against another, and here their knowledge and experience ends; but in a contest like the present, a new and boundless variety of circumstances arises that deranges all their calculations. New armies arise against them with the necessity of the moment; it is then that the difficulties of the invading enemy multiply, and he finds them at the height when he expected them to end, &c.

"Liberty and equality are blessings too great to be the inheritance of France alone; it is an honour to her to be the first champion, and she may now say to her enemies with a mighty voice, It is for all Europe, and not for France alone, that she raises the standard of liberty and equality, &c. &c."

THOMAS CHAPMAN sworn.

Q. What is your Christian name?

A. Thomas.

Q. What are you by business?

A. A bookseller.

Q. Were you acquainted with Thomas Paine at any time?

A. I was.

Q. Did you ever print any book for him?

A. Yes, I did.

Q. What work was it?

A. A work intitled The Rights of Man.

Q. Did you print one part, or more than that?

A. I printed the first part intirely, and part of the second part.

Q. Was it the earlier part of the second part, as it is called, that you printed, or the latter part?

A. The earlier part.

Q. Will you be so good to look at these books, and tell me whether

whether you believe this is the copy printed by you—you are looking at the first part, do you believe that first part to be printed by you?

A. You are speaking as to this edition I presume.

Q. Yes, as to this edition.

A. Yes I printed this first part.

Q. Have you any of it now in your possession?

A. No, none.

Q. Did you receive what you printers call the whole copy, or only a part?

A. I received not entirely the whole.

Q. How far did you proceed in printing of that second part?

A. I think, according to the best of my recollection, that I printed as far as the letter K, that is, I printed the signature or sheet I, which includes the 128th page of the book.

Q. The 128th page of the large edition?

A. Yes, I had the copy, almost the whole remaining part, and my people had composed it, or set it up in the type, but I did not finish it.

Q. What did you do with that part of the copy that you did not finish?

A. I returned it to Mr. Paine by a servant of mine.

Q. Did you ever after this converse with Mr. Paine about it?

A. I do not think that I saw Mr. Paine on the business after the work was quite finished.

Mr. Garrow. Now we will read some of the passages, if your Lordship pleases, (page 57 in Chapman's Edition.) I am now speaking of the first part, and that alone, (in the cheap edition page 24.)

(Read by the Clerk of the Court.)

"Can then Mr. Burke produce the English constitution? If he cannot, we may fairly conclude, that though it hath been so much talked about, no such thing as a constitution exists, or ever did exist, and consequently that the people have yet a constitution to form.

(Page 59 Chapman's Edition, cheap Edition page 25) "A government on the principles on which constitutional governments arising out of society are established, cannot have the right of altering itself, if it had it would be arbitrary. It might make itself what it pleased; and wherever such a right is set up, it shews there is no constitution. The act by which the English parliament empowered itself to sit seven years, shews there is no constitution in England, it might by the self same authority, have sat a greater number of years or for life. The Bill which the present Mr. Pitt brought into parliament some years ago, to Reform Parliament, was on the same erroneous principle. The rights of reform in the nation is in its original character,

character, and the constitutional method would be by a general convention elected for the purpose. There is moreover a paradox in the vitiated bodies reforming themselves.

(Page 63, *Chapman's edition, cheap edition, 27.*) "Much is to be learned from the French Constitution; Conquest and Tyranny transplanted themselves with William the Conqueror from Normandy into England, and the country is yet disfigured with the marks. May then the example of all France contribute to regenerate the freedom which a province of it destroyed.

(Page 161, *Chapman's edition, cheap edition page 74.*) "The two modes of government which prevail in the world are, first, governments by election and representation. Secondly, the government by hereditary succession; the former is generally known by the name of Republic, the latter by that of Monarchy and Aristocracy.

"Those two distinct and opposite forms, erect themselves on two distinct and opposite basis of reason and ignorance, as the exercise of government requires talents and abilities, and as talents and abilities cannot have hereditary descent, it is evident that hereditary succession requires a belief from man to which his reason cannot subscribe, and which can only be established upon his ignorance; and the more ignorant any country is, the better it is fitted for this species of government.

(Page 165, *Chapman's edition, cheap edition page 76.*) "From the Revolutions of America and France, and the symptoms that have appeared in other countries, it is evident that the opinion of the world is changed with respect to systems of government, and that revolutions are not within the compass of political calculations. The progress of time and circumstances, which men assign to the accomplishment of great changes, is too mechanical to measure the force of the mind, and the rapidity of reflection, by which revolutions are generated. All the old governments have received a shock from those that already appear, and which were once more improbable, and are a greater subject of wonder, than a general revolution in Europe would be now.

"When we survey the wretched condition of man, under the monarchical and hereditary systems of government! dragged from his home by one power, or driven by another, and impoverished by taxes more than by enemies, it becomes evident that those systems are bad, and that a general revolution in the principle and construction of government is necessary. What is government more than the management of the affairs of the nation? It is not, and from its nature cannot be, the property of any particular man or family, but of the whole community, at whose expence it is supported, and though by force or con-

trivance it hath been usurped into an inheritance, the usurpation cannot alter the right of things. Sovereignty, as a matter of right, appertains to the nation only, and not to any individual; and a nation has at all times an inherent indefeasible right to abolish any form of government it finds inconvenient, and establish such as accords with its inherent disposition and happiness. The romantic and barbarous distinction of men into kings and subjects, though it may suit the condition of courtiers, cannot that of citizens, and is exploded by the principle upon which governments are now founded; every citizen is a member of the sovereignty, and as such can acknowledge no personal subjection; and his obedience can be only to the laws.

" When men think of what government is, they must necessarily suppose it to possess a knowledge of all the objects and matters upon which its authority is to be exercised. In this view of government, the Republican system, as established by America and France, operates to embrace the whole of a nation; and the knowledge necessary to the interest of all the parts, is to be found in the center, which the parts by representation form; but the old governments are on a construction that excludes knowledge as well as happiness; government by monks, who know nothing of the world beyond the walls of a convent, is as consistent as government by kings. What were formerly called Revolutions, were little more than a change of persons, or an alteration of local circumstances. They rose and fell like things of course, and had nothing in their existences or their fate that could influence beyond the spot that produced them; but what we now see in the world from the revolution of America and France, are a renovation of the natural order of things, a system of principles as universal as truth and the existence of man, and combining moral with political happiness and national prosperity.

" I. Men are born and always continue free and equal in respect of their rights. Civil distinctions therefore can be founded only on public utility.

" II. The end of all political associations, is the preservation of the natural and imprescriptible rights of man, and and these rights are liberty, property, security and resistance of oppression.

" III. The nation is essentially the source of all sovereignty, nor can any individual of any body of men, be intitled to any authority which is not expressly derived from it.

" In these principles there is nothing to throw a nation into confusion by inflaming ambition, they are calculated to call forth wisdom and abilities, and to exercise them for the public good, and not for the emolument or aggrandizement of particular descriptions

descriptions of men or families. Monarchical sovereignty, the enemy of mankind, the source of misery, is abolished, and sovereignty itself is restored to its natural and original place, the Nation. Were this the case throughout Europe, the cause of wars would be taken away.

" It is attributed to Henry IV. of France, a man of an enlarged and benevolent heart, that he proposed, about the year 1610, a plan for abolishing war in Europe. The plan consisted in constituting an European Congress, or as the French author styles it, a Pacific Republic, by appointing delegates from the several nations, who were to act as a Court of Arbitration in any disputes that might arise between nation and nation.

" Had such a plan been adopted at the time it was proposed, the taxes of England and France, as two of the parties, would have been at least ten millions sterling annually to each nation less than they were at the commencement of the French Revolution.

" To conceive a cause why such a plan has not been adopted, and that instead of a Congress for the purpose of preventing war, it hath only been called for terminating a war, after a fruitless expence of several years, it will be necessary to consider the interest of governments as a distinct interest to that of nations.

" Whatever is the cause of taxes to a nation, or becomes also the means of revenue to a government. Every war terminates with an addition of taxes, and consequently with an addition of revenue; and in any event of war, in the manner they are now commenced and concluded, the power and interests of governments are increased. War, therefore, from its productiveness, as it easily furnishes the pretence of necessity for taxes and appointments to places, and offices, becomes a principal part of the system of old governments; and to establish any mode to abolish war, however advantageous it might be to nations, would be to take from such governments the most lucrative of its branches; the frivolous matters upon which war is made, shew the disposition and avidity of governments to uphold the system of war, and betray the motives upon which they act.

" Why are not Republics plunged into war, but because the nature of their government does not admit of an interest distinct from that of the nation; even Holland, though an ill constructed Republic, and with a commerce extending over the world, existed nearly a century without war, and the instant the form of government was changed in France, the republican principles of peace and domestic prosperity and oeconomy arose with the

new government, and the same consequences would follow the same causes in other nations.

“ As war is the system of government on the old construction, the animosity which nations reciprocally entertain, is nothing more than what the policy of their governments excites, to keep up the spirit of the system ; each government accuses the other of perfidy, intrigue, and ambition, as a means of heating the imagination of their respective nations, and incensing them to hostilities. Man is not the enemy of man, but through the medium of a false system of government ; instead, therefore, of exclaiming against the ambition of kings, the exclamation should be directed against the principles of such governments ; and instead of seeking to reform the individual, the wisdom of a nation should apply itself to reform the system.

“ Whether the forms and maxims of government, which are still in practice, were adapted to the condition of the world at the period they were established, is not in this case the question ; the older they are, the less correspondence can they have with the present state of things, time and change of circumstances and opinions, have the same progressive effect, in rendering modes of government obsolete, as they have upon customs and manners ; agriculture, commerce, manufactures, and the tranquil acts, by which the properties of nations is best promoted, required a different system of government, and a different species of knowledge to direct its operations, than might have been required in the former condition of the world.

“ As it is not difficult to perceive from the enlightened state of mankind, that hereditary governments are verging to their decline, and that revolutions, on the broad basis of national sovereignty, and government by representation, are making their way in Europe, it would be an act of wisdom to anticipate their approach, and produce revolutions by reason and accommodation, rather than commit them to the issue of convulsion.

“ From what we now see, nothing of reform in the political world ought to be held improbable. It is an age of revolutions, in which every thing may be looked for, The intrigue of Courts, by which the system of war is kept up, may provoke a confederacy of nations to abolish it, and an European congress to patronise the progress of free government, and promote the civilization of nations with each other, is an event nearer in probability, than once were the revolutions and alliance of France and America.

(*Second Part, Chapman's edition, page 21.*) “ All hereditary government is in its nature tyranny, an heritable crown, or an heritable throne, or by what other fanciful name such things may be called, have no other significant explanation than that mankind

kind are heritable property; to inherit a government is to inherit the people, as if they were flocks and herds.

(*Second Part, Chapman's edition, page 27.*) "How irrational then is the Hereditary System, which establishes channels of power in company with which wisdom refuses to flow, by continuing this absurdity; man is perpetually in contradiction with himself, he accepts for a king, or a chief magistrate, or a legislator, a person whom he would not elect for a constable.

(*Page 47, Chapman's edition.*) "This convention met at Philadelphia, in May 1787, of which General Washington was elected president, he was not at that time connected with any of the state governments, or with Congress, he delivered up his commission when the war ended, and since that had lived a private citizen.

"The convention went deeply into all the subjects; and having, after a variety of debate and investigation, agreed among themselves, upon the several parts of a federal constitution; the next question was the manner of giving it authority and practice.

"For this purpose they did not, like a cabal of courtiers, send for a Dutch Stadtholder or a German elector; but they referred the whole matter to the sense and interest of the country; they first directed that the proposed constitution should be published. Secondly, that each state should elect a convention, expressly for the purpose of taking it in consideration, and of ratifying or rejecting it, and that as soon as the approbation and ratification of nine states should be given, that those states should proceed to the election of their proportion of members, to the new federal government, and that the operation of it should then begin, and the former federal government cease.

(*Page 52, same edition*) "The history of the Edwards, and the Henrys, and up to the commencement of the Stuarts, exhibits as many instances of tyranny as could be acted within the limits to which the nation had restricted it. The Stuarts endeavoured to pass those limits, and their fate is well known. In all those instances, we see nothing of a constitution, but only of restriction on assumed power.

"After this, another William descended from the same stock, and claiming from the same origin, gained possession; and of the two evils, James and William, the nation preferred what it thought the least, since from circumstances it must take one. The act called the bill of rights comes here into view. What is it but a bargain, which the parts of the government made, with each other, to divide power, profits and privileges? you shall have so much, and I will have the rest; and with respect to the nation, it said for your share, you shall have the right of petitioning,—this being the case, the bill of rights is more properly a bill of wrongs

wrongs and of insult. As to what is called the Convention Parliament, it was a thing that made itself, and then made the authority by which it acted. A few persons got together, and called themselves by that name. Several of them had never been elected, and none of them for the purpose.

"From the time of William, a species of government arose, issuing out of this coalition bill of right, and more so since the corruption introduced at the Hanover succession, by the agencies of Walpole, that can be described by no other name than a despotic legislation. Though the parts may embarrass each other, the whole has no bounds, and the only right it acknowledges out of itself, is the right of petitioning. Where there is the constitution either that gives or that restrains power.

"It is not because a part of the government is elective that makes it less despotism, if the person so elected possess afterward, as a parliament, unlimited powers; election in this case becomes separated from representation, and the candidates are candidates for despotism.

"I cannot believe that any nation, reasoning on its own rights, would have thought of calling those things a constitution, if the cry of constitution had not been set up by the government. It has got into circulation, like the words *bore* and *quoz*, by being chalked up in the speeches of parliament as those words were on window-shutters and door-posts; but whatever the constitution may be in other respects, it has undoubtedly been the most productive machine of taxation that ever was invented. The taxes in France, under the new constitution, are not quite 13s. per head; and the taxes in England, under what is called its present constitution, are 48s. 6d. per head, men, women, and children, amounting to nearly seventeen millions sterling, which is upwards of a million more."

(P. 63, *same edition*.) "With respect to the two houses of which the English Parliament is composed, they appear to be so effectually influenced into one, and as a legislature to have no temper of its own; the minister, whoever he may be, touches it as with an opium wand, and it sleeps obedience; but if we look at the distinct abilities of the two houses the difference will appear so great as to shew the inconsistency of placing power where there can be no certainty of the judgment to use it. Wretched as the state of the representation is England, it is manhood compared with what is called the House of Lords; and so little is this nick-named House regarded that the people scarcely enquire at any time what it is doing; it appears also to be the most under influence, and the furthest removed from the general interest of the nation. In the debate on engaging in the Russian and Turkish war, the majority in the House of Peers
in

in favour of it was upwards of ninety, when in the other House, which is more than double its numbers, the majority was sixty-three."

(*P. 65, the same edition.*) "But in whatever manner the separate parts of a constitution may be arranged, there is one general principle that distinguishes freedom from slavery, which is, that all hereditary government over a people is to them a species of slavery, and representative government is freedom."

(*P. 107, the same book.*) "Having thus glanced at some of the defects of the two Houses of Parliament, I shall proceed to what is called the Crown, upon which I shall be very concise."

"It signifies a nominal office of a million sterling a year, the business of which consists in receiving the money, whether the person be wise or foolish, sane or insane, a native or a foreigner, matters not; every ministry acts upon the same idea that Mr. Burke writes, namely, that the people must be hoodwinked with and held in superstitious ignorance by some bugbear or other, and what is called the Crown answers this purpose, and therefore it answers all the purposes to be expected from it. This is more than can be said of the two other branches."

Mr. Erskine. Read the Preface to the book.—The Clerk began reading the Dedication.—*Mr. Erskine* said, I desired the Preface to be read; that is the Dedication.

Mr. Law. Read the Dedication first, and afterwards the Preface.

(*Read by the Clerk of the Court.*)

TO M. DE LA FAYETTE.

"After an acquaintance of nearly fifteen years, in difficult situations in America, and various consultations in Europe, I feel a pleasure in presenting to you this small treatise, in gratitude for your services to my beloved America, and as a testimony of my esteem for the virtues, public and private, which I know you to possess."

"The only point upon which I could ever discover that we differed, was not as to principles of government, but as to time. For my own part, I think it equally as injurious to good principles to permit them to linger, as to push them on too fast. That which you suppose accomplishable in fourteen or fifteen years, I may believe practicable in a much shorter period. Mankind, as it appears to me, are always ripe enough to understand their true interest, provided it be presented clearly to their understanding, and that in a manner not to create suspicion by any thing like self-design, nor offend by assuming too much. Where we would wish to reform we must not reproach."

"When the American revolution was established, I felt a disposition to sit serenely down and enjoy the calm. It did not appear

pear to me that any object could afterwards arise great enough to make me quit tranquillity, and feel as I had felt before. But when principle, and not place, is the energetic cause of action, a man, I find, is every where the same.

"I am now once more in the public world; and as I have not a right to contemplate on so many years of remaining life as you have, I am resolved to labour as fast as I can; and as I am anxious for your aid and your company, I wish you to hasten your principles and overtake me.

"If you make a campaign the ensuing spring, which it is most probable there will be no occasion for, I will come and join you. Should the campaign commence, I hope it will terminate in the extinction of German despotism, and in establishing the freedom of all Germany. When France shall be surrounded with revolutions, she will be in peace and safety, and her taxes, as well as those of Germany, will consequently become less.

"Your sincere, affectionate friend,

London. Feb. 9, 1792.

THOMAS PAINE."

P R E F A C E.

"When I began the chapter entitled the "*Conclusion*" in the former part of the RIGHTS of MAN, published last year, it was my intention to have extended it to a greater length; but in casting the whole matter in my mind which I wished to add, I found that I must either make the work too bulky, or contract my plan too much. I therefore brought it to a close as soon as the subject would admit, and reserved what I had further to say to another opportunity.

"Several other reasons contributed to produce this determination. I wished to know the manner in which a work, written in a style of thinking and expression different to what had been customary in England, would be received before I ventured farther. A great field was opening to the view of mankind by means of the French Revolution. Mr. Burke's outrageous opposition thereto brought the controversy into England. He attacked principles which he knew (from information) I would contest with him, because they are principles which I believe to be good, and which I have contributed to establish, and conceive myself bound to defend. Had he not urged the controversy, I had most probably been a silent man.

"Another reason for deferring the remainder of the work was, that Mr. Burke promised in his first publication to renew the subject at another opportunity, and to make a comparison of what he called the English and French constitutions. I therefore held myself in reserve for him. He has published two works since, without doing this; which he certainly would not have omitted, had the comparison been in his favour.

"In

"In his last work, "*His Appeal from the New to the Old Whigs*," he has quoted about ten pages from the *Rights of Man*, and having given himself the trouble of doing this, says, "he shall not attempt in the smallest degree to refute them," meaning the principles therein contained, I am enough acquainted with Mr. Burke to know, that he would if he could. But instead of contesting them, he immediately after consoles himself with saying, that "he has done his part."—He has not done his part. He has not performed his promise of a comparison of constitutions. He started the controversy, he gave the challenge, and has fled from it; and he is now a *case in point* with his own opinion, that, "*the age of chivalry is gone!*"

"The title, as well as the substance of his last work, his "*Appeal*," is his condemnation. Principles must stand on their own merits, and if they are good they certainly will. To put them under the shelter of other mens authority, as Mr. Burke has done, serves to bring them into suspicion. Mr. Burke is not very fond of dividing his honours, but in this case he is artfully dividing the disgrace. But who are those to whom Mr. Burke made his appeal? A set of childish thinkers and half-way politicians born in the last century; men who went no farther with any principle than as it suited their purpose as a party; the nation was always left out of the question; and this has been the character of every party from that day to this. The nation sees nothing in such works, or such politics worthy its attention. A little matter will move a party, but it must be something great that moves a nation.

"Though I see nothing in Mr. Burke's Appeal worth taking much notice of, there is, however, one expression upon which I shall offer a few remarks.—After quoting largely from the *Rights of Man*, and declining to contest the principles contained in that work, he says, "This will most probably be done (*if such writings shall be thought to deserve any other refutation than that of criminal justice*) by others, who may think with Mr. Burke and with the same zeal.

"In the first place, it has not yet been done by any body. Not less, I believe, than eight or ten pamphlets intended as answers to the former part of the "*Rights of Man*" have been published by different persons, and not one of them to my knowledge, has extended to a second edition, nor are even the titles of them so much as generally remembered. As I am averse to unnecessarily multiplying publications, I have answered none of them. And as I believe that a man may write himself out of reputation when nobody else can do it, I am careful to avoid that rock.

"But as I would decline unnecessary publications on the one hand, so would I avoid every thing that might appear like sullen pride on the other. If Mr. Burke, or any person on his side the question, will produce an answer to the "Rights of Man," that shall extend to an half, or even to a fourth part of the number of copies to which the Rights of Man extended, I will reply to his work. But until this be done, I shall so far take the sense of the public for my guide (and the world knows I am not a flatterer) that what they do not think worth while to read, is not worth mine to answer. I suppose the number of copies to which part of the Rights of Man extended, taking England, Scotland, and Ireland, is not less than between forty and fifty thousand.

"I now come to remark on the remaining part of the quotation I have made from Mr. Burke.

"If," says he, "such writings shall be thought to deserve any other refutation than that of *criminal* justice.

"Pardoning the pun, it must be *criminal* justice indeed that should condemn a work as a substitute for not being able to refute it. The greatest condemnation that could be passed upon it would be a refutation. But in proceeding by the method Mr. Burke alludes to, the condemnation would, in the final event, pass upon the criminality of the process and not upon the work, and in this case, I had rather be the author, than be either the judge or the jury, that should condemn it.

"But to come at once to the point, I have differed from some professional gentlemen on the subject of prosecutions, and I since find they are falling into my opinion, which I will here state as fully, but as concisely as I can.

"I will first put a case with respect to any law, and then compare it with a government, or with what in England is, or has been, called a constitution.

"It would be an act of despotism, or what in England is called arbitrary power, to make a law to prohibit investigating the principles, good or bad, on which such a law, or any other is founded.

"If a law be bad, it is one thing to oppose the practice of it, but it is quite a different thing to expose its errors, to reason on its defects, and to shew cause why it should be repealed, or why another ought to be substituted in its place. I have always held it an opinion (making it also my practice) that it is better to obey a bad law, making use at the same time of every argument to shew its errors and procure its repeal, than forcibly to violate it; because the precedent of breaking a bad law might weaken the force, and lead to a discretionary violation of those which are good.

The

"The case is the same with respect to principles and forms of government, or to what are called constitutions and the parts of which they are composed.

"It is for the good of nations, and not for the emolument or aggrandizement of particular individuals, that government ought to be established, and that mankind are at the expence of supporting it. The defects of every government and constitution, both as to principle and form must, on a parity of reasoning, be as open to discussion as the defects of a law, and it is a duty which every man owes to society to point them out. When those defects, and the means of remedying them are generally seen by a nation, that nation will reform its government or its constitution in the one case, as the government repealed or reformed the law in the other. The operation of government is restricted to the making and the administering of laws; but it is to a nation that the right of forming or reforming, generating or regenerating constitutions and governments belong; and consequently those subjects as subjects of investigation, are always before a country *as a matter of right*, and cannot, without invading the general rights of that country, be made subjects for prosecution. On this ground I will meet Mr. Burke whenever he please. It is better that the whole argument should come out, than to seek to stifle it. It was himself that opened the controversy, and he ought not to desert it.

"I do not believe that monarchy and aristocracy will continue seven years longer in any of the enlightened countries in Europe. If better reasons can be shewn for them than against them, they will stand; if the contrary, they will not. Mankind are not now to be told they shall not think, or they shall not read; and publications that go no farther than to investigate principles of government, to invite men to reason and to reflect, and to shew the errors and excellencies of different systems, have a right to appear. If they do not excite attention, they are not worth the trouble of a prosecution; and if they do, the prosecution will amount to nothing, since it cannot amount to a prohibition of reading. This would be a sentence on the public, instead of the author, and would also be the most effectual mode of making or hastening revolutions.

"On all cases that apply universally to a nation, with respect to systems of government, a jury of *twelve* men is not competent to decide. Where there are no witnesses to be examined, no facts to be proved, and where the whole matter is before the whole public, and the merits or demerits of it resting on their opinion; and where there is nothing to be known in a court, but what every body knows out of it, every twelve men is equally as good a jury as the other, and would most probably reverse

each other's verdict; or from the variety of their opinions, not be able to form one. It is one case, whether a nation approve a work, or a plan; but is quite another case, whether it will commit to any such jury the power of determining whether that nation have a right to, or shall reform its government, or not. I mention those cases, that Mr. Burke may see I have not written on government without reflecting on what is law, as well as on what are rights — The only effectual jury in such cases would be, a convention of the whole nation fairly elected; for in all such cases the whole nation is the vicinage. If Mr. Burke will propose such a jury, I will waive all privileges of being the citizen of any other country, and, defending its principles, abide the issue, provided he will do the same; for my opinion is, that his work and his principles would be condemned instead of mine.

“As to the prejudices which men have from education and habit, in favour of any particular form or system of government, those prejudices have yet to stand the test of reason and reflection. In fact, such prejudices are nothing. No man is prejudiced in favour of a thing, knowing it to be wrong. He is attached to it on the belief of its being right; and when he sees it is not so, the prejudice will be gone. We have but a defective idea of what prejudice is. It might be said, that until men think for themselves the whole is prejudice, and *not opinion*; for that only is opinion which is the result of reason and reflection. I offer this remark, that Mr. Burke may not confide too much in what has been the customary prejudices of the country.

“I do not believe that the people of England have ever been fairly and candidly dealt by. They have been imposed upon by parties, and by men assuming the character of leaders. It is time that the nation should rise above those trifles. It is time to dismiss that inattention which has so long been the encouraging cause of stretching taxation to excess. It is time to dismiss all those songs and toasts which are calculated to enslave, and operate to suffocate reflection. On all such subjects men have but to think, and they will neither act wrong nor be misled. To say that any people are not fit for freedom, is to make poverty their choice, and to say they had rather be loaded with taxes than not. If such a case could be proved, it would equally prove, that those who govern are not fit to govern them, for they are a part of the same national mass.

“But admitting governments to be changed all over Europe; it certainly may be done without convulsion or revenge. It is not worth making changes or revolutions, unless it be for some great national benefit; and when this shall appear to a nation, the danger will be, as in America and France, to those who oppose; and with this reflection I close my Preface.

London, Feb. 9, 1792.

THOMAS PAINE.”

Mr.

Mr. Garrow. I beg your Lordship's pardon, I missed some parts that I meant to have read.

(Read by the Clerk of the Court)

(Page 61.) "The fraud, hypocrisy and imposition of governments are beginning to be too well understood, to promise them any long career; the farce of monarchy and aristocracy in all countries, is following that of chivalry, and Mr. Burke is dressing for the funeral. Let it then pass quietly to the tomb of all other follies, and the mourners be comforted, the time is not very distant, when England will laugh at itself for sending to Holland, Hanover, Zell or Brunswick for men, at the expence of a million a year, who understood neither her laws, her language, nor her interest, and whose capacities would scarcely have fitted them for the office of a parish constable, if government could be trusted to such hands, it must be some simple and easy thing indeed, and materials for all the purposes, may be found in every town and village in England.

"When it shall be said in any country in the world my poor are happy, neither ignorance nor distress is to be found among them, my jails are empty of prisoners, my streets of beggars, the aged are not in want, the taxes are not oppressive, the rational world is my friend, because I am the friend of its happiness, when these things can be said, then may that country boast its constitution and its government.

"Within the space of a few years, we have seen two revolutions, those of America and France, in the former the contest was long and the conflict severe, in the latter, the nation acted with such a consolidated impulse, that having no foreign enemy to contend with, the revolution was complete in power the moment it appeared. From both these instances, it is evident, that the greatest forces that can be brought in the field of revolutions are reason and common interest, where these can have the opportunity of acting, opposition dies with fear, or crumbles away by conviction, it is a great standing which they have now universally obtained; and we may hereafter hope to see revolutions, or changes in governments, produced with the same quiet operation, by which any measure determinable by reason and discussion is accomplished.

"When a nation changes its opinions and habits of thinking, it is no longer to be governed as before, but it would not only be wrong, but bad policy to attempt by force what ought to be accomplished by reason. Rebellion consists in forcibly opposing the general will of a nation, whether by a party or by a government. There ought therefore to be in every nation, a method of occasionally ascertaining the state of public opinion with respect to government. On this point the old government of France,

France, was superior to the present government of England, because on extraordinary occasions, recourse could be had to what was then called the States General, but in England there are no such occasional bodies, and as to those who are now called representatives, a great part of them are mere machines of the Court, placemen and dependents.

(Page 170, the same edition) "I know it is the opinion of many of the most enlightened characters in France, (there always will be these who will see farther into events than others) not only among the general mass of citizens, but of many of the principal members of the former national assembly, that the monarchical plan will not continue many years in that country, they have found out that wisdom cannot be made hereditary, power ought not, and that for a man to merit a million sterling a year, from a nation he ought to have a mind capable of comprehending, from an atom to a universe, which if he had, he would be above receiving the pay. But they wished not to appear to lead the nation farther than its own reason and interest dictated. In all the conversations where I have been present on the subject, the idea always was, that when such a time, from the general opinion of the nation, shall arrive, that the honourable and liberal method would be, to make a handsome present in fee simple, to the person, whoever he may be, that shall then be in the monarchical office, and for him to retire to the enjoyment of private life, possessing his share of general right and privileges, and to be no more accountable to the public for his time and his conduct than any other citizen."

Mr. Garrow. I will not trouble your Lordship with any more passages from Mr. Paine; I will now produce in evidence to your Lordship the next passage, in order to that which was read before, from the minutes of the Constitutional Society. I believe the last passage that your Lordship took a note of was the 28th of September. I believe there has been nothing read since that, your Lordship will be pleased to see if I am correct.

(Read by the Clerk of the Court)

"October 5th, 1792. At a meeting of the society met at the Crown and Anchor Tavern in the Strand, Mr. J. H. Tooke, Mr. Sharpe, Mr. Sturch, Mr. Maxwell, Mr. Bonney, Mr. J. Martin, Mr. Symonds, Mr. Joyce, Mr. Chapwell, Mr. Walpole, Mr. Berryman, Mr. Rich, Dr. Edwards, Mr. J. Adams, Mr. J. Williams, Mr. Hardy and Mr. Sinclair.

"Ordered, that the letter from the Corresponding Society, entered on the minutes of the last meeting, together with the resolution of the Society thereon, be published in the newspapers.

" Read

“ Read Mr. Barlow’s Letter to the National Convention of France, on the defects of the constitution of 1791, and the extent of the amendment which ought to be applied.

“ GENTLEMEN,

“ I have just published a small treatise in a letter to the National Convention, on the defects of the constitution in 1791, and the extents of the amendment which ought to be applied. Although the observations contained in this are more particularly to be applied to the French nation. Yet, as the true principles of government are the same in all countries, which are founded on the Rights of Man, I therefore present a copy of it to you, with the same confidence that I have done to the National Convention; a confidence arising from a fullness of conviction that the work is founded on truth and reason; for if they seem not so immediately reducible to practice in the government of this country, as in that of France, yet their examination of them cannot be unseasonable to any nation. A great revolution is undoubtedly to be expected in all Europe, &c.”

“ At a meeting held at the Crown and Anchor in the Strand, on the 12th of October, present, Mr. Bush in the chair, read Mr. Barlow’s Letter to the National Convention of France, on the defects of the constitution of 1791, and the extent of the amendment which ought to be applied.

“ Resolved, That Mr. Sturch be required to draw up an answer to the Letter of Mr. Barlow, read at the last meeting, expressing how much pride the Society feel at having elected him an honorary member.”

JOSEPH JOHNSON sworn.

Q. I believe you are a bookseller in St. Paul’s Church-yard?

A. Yes, I am.

Q. Be so good to look at that book in your hand, and tell me whether you published it?

A. I cannot answer that.

Q. Do you know Mr. Barlow?

A. I do.

Q. I am not asking you, at present whether this is a piece of paper come out of your shop: have the goodness to attend to the question, you know Mr. Barlow you say?

A. I do.

Q. Did you at any time publish a work with the title of the same work that you have in your hand?

A. I did.

Q. Did you receive from him what the printers call the copy or manuscript?

A. He gave it to me, or the printer, I do not know which.

Q. Who

Q. Who paid for it?

A. The sale paid for it.

Q. Can you tell whether that was published by you?

A. I believe it to be so: I published a great many.

Q. Have you any doubt?

A. I cannot say I have any doubt.

Q. You publish a good deal, Mr. Johnson, and do not always recollect the contents. Did you publish the Rights of Man?

A. No.

Q. Did you sell any?

A. Yes.

Q. How many do you think?

A. I cannot tell.

Q. About how many thousands do you think?

A. I cannot tell.

Q. Did you sell many or few?

A. I cannot tell what you mean by many.

Q. Did you sell some dozens?

A. Certainly I did; when I published that book it was not supposed a libel.—Afterwards it was proved to be one.—I ask the Court whether I am to answer that question or no?

Court. You ought not to be pressed on that question.

Mr. Garrow. Do you know whether the book called the Rights of Man had a large sale or no?

A. I can say that I think that the sale was large.

Q. Do you recollect receiving any number of copies of a publication of a Letter of Mr. Paine to Mr. Dundas—do you know whether any certain number of that publication was sent to you by any body, seven hundred, for instance? I'll assist your memory.

A. I think there were some sent to me to be forwarded in the country; a parcel sent to be conveyed in a coach.

Q. Do you know by whose order, or where they came from?

A. I do not.

Q. What quantity might be sold of Joel Barlow's Letter?

A. Perhaps five or six hundred, I believe not more.

(Mr. Attorney General to the Clerk of the Court.) Read those passages that are marked.

(The Clerk reads.)

"A Letter to the National Convention of France on the Defects of the Constitution of 1791, and the Extent of the Amendment which ought to be applied. By Joel Barlow, &c.

"GENTLEMEN

" GENTLEMEN,

" The time is at last arrived when the people of France, by resorting to their own proper liberty, feel themselves at liberty to exercise their unbiassed reason, to establish an equal government. Compared, therefore, with all that is past, it is perhaps the most interesting portion of time, the most important period, that Europe hath hitherto seen. Under this impression, and with the deepest sense of the magnitude of the subject which engages your attention, I take the liberty of offering you a few observations on the business that lies before you. Could I suppose that an apology was necessary, I would make none; my happiness will be seriously affected by your deliberations, and in them I have an interest which nothing can destroy. I consider all mankind as forming but one great family, and therefore am bound to make each one's happiness as part of my own. You have stepped forward with gigantic stride, &c.

" I believe no man cherishes a greater veneration than I have uniformly done for the National Convention, which framed that constitution, which I now presume you are constituted to revise.

" The numerous heap of abuses they had to overturn, the prejudices they had to contend with, as well in their own minds as in all Europe.

" But the legacy which they had left to that country in their deliberate capacity will remain a lasting monument to their praise.

" The great leading principle on which their constitution was meant to be founded, on the equality of rights; this principle being laid down with such clearness, and asserted with such dignity in the beginning of the code, &c.

" Although many of my ideas may be perfectly superfluous, being the same that will occur to every member of your body, yet they will probably strike the mind in a different kind of light.

" On considering the subject of governments, when the mind is once let loose from the shackles of royalty, it finds itself in a new world; human nature assumes a new and more elevated shape, and displays man's real features, which, from having been always disguised, were not known to exist.

" After proscribing royalty with all its appendages, it will not be thought necessary in France to support any other error.

" In this case you will see that it is no longer necessary to maintain a national church; it is one of those monarchical ideas which bears the wretched compliment of supposing that we are not capable of using our own reason.

M m

" Neither

"Neither is it true that the preference to one mode of worship, by the payment of Catholic priests to the exclusion of others, was founded on the idea of justice and propriety.

"The church, in a word, is only a mode of worship, and to think that a mode can be a proprietor of lands I have yet to learn. But as the fabric is now rent, the prop may be taken away, and I am confident that monarchy and hierarchy are to be both taken away, and will not live out the present year."

Q. (To Mr. Lauzun—a paper shewn him.) Look at this letter, and tells us whether you found it at Mr. Hardy's? A Letter of Joel Barlow to the London Corresponding Society.

A. Yes.

(Read by the Clerk of the Court.)

"London, Oct. 6, 1792. Signed, Joel Barlow, addressed to the London Corresponding Society, to the care of Mr. Thomas Hardy, No. 9, Piccadilly, in which was inclosed Mr. Barlow's letter to the National Convention of France, and his pamphlet, entitled, "Advice to the Privileged Orders."

Q. (To Mr. Johnson) You have given us an account of an address to the Convention; tell us who was the author of this pamphlet; it appears to be published by you called, "Advice to the Privileged Orders?"

A. I published a pamphlet with that title, for Mr. Joel Barlow, and I believe this is it.

Q. Can you tell whether he was the sole author, or any body else?

A. I cannot tell; I fancy he was the sole author.

Q. Was it a large sale?

A. Not very large; not many more than a thousand.

Q. That is the third edition; perhaps you mean a thousand of each edition?

A. No; three editions, five hundred of each edition; two editions sold, and a great number of the third edition left.

(The Clerk reads from page 17.)

"Mr. Burke, however, in his defence of royalty, does not rely on the argument of the compact, whether it be, that he is conscious of its futility, or, in his rage, he forgot to use it, &c."

Mr. Garrow (To Johnson). When was this first published, before the death of the late King of France, or not?

A. I am not certain.

Q. What is the date on the title page?

A. 1793.

Q. This is the third edition. Have you no recollection whether it was published before or after that event?

A. I have no recollection; I think it was published in the year 1791.

Mr. Garrow

Mr. Garrow (To Mr. Johnson). This is a letter to the addressers. Mr. Johnson, do you know whether any book of that sort was published by Thomas Paine?

A. Certainly there was.

Q. Do you believe that to be one of the copies that was so published? Perhaps you will know it better by comparing it with the cheap edition (*Shews him one*). Do you believe the large edition to be that that was published by Mr. Paine?

A. I believe it is.

Q. Do you know how soon after the first edition was published the cheap edition came out? Have you seen any of the cheap editions?

A. Yes, I have; it was published after the large edition, but I cannot say what time.

Q. You have already said (and I am very glad the Court desired you to speak out). Do you believe that to be one of the larger copies published by Mr. Paine?—You are looking at it: Do you believe that to be one, or have you any doubt on the subject?

A. A printer may print a great many of them.

Q. Do you believe it to be printed by a printer, making a fac simile, or do you believe it to be printed by Mr. Paine?

A. I cannot speak one way or the other.

Q. Who does that appear to be published by, on the title page?

A. Symonds.

Q. Had you any communications with the other persons named as the publishers, Clio Rickman?

A. I can hardly say.

Q. Had you any communication with the author concerning any edition of the Address to the Addressers?

A. (I beg leave to address the Court): This has since the publication, been found a libel; the author printed it to the best of my knowledge when I was in the country; I was at Margate when he printed that pamphlet.

Court. Hitherto, I have not seen any grounds for asking about this book.

Mr. Attorney-General. I believe it will be more in order if Mr. Johnson waits a bit.

Mr. Garrow. He had asked to be dismissed, and that made me take the opportunity of asking him this question again, when he may have refreshed his memory.

I now go on with the remainder of the minutes of the Constitutional Societies, were I stopped at, in order to read Mr. Barlow's book, beginning with the minute of the 12th of October.

(*The Clerk reads.*)

"Read a letter from the London Corresponding Society, with an inclosed address to the National Convention of France.

"Resolved, that the thanks of this society be given to the London Corresponding Society, for the above address transmitted by them, and that the Secretary acquaint them, this society do highly approve of the spirit of the same.

"Ordered, that the Secretary be directed to transmit a copy of the Argus of to-morrow, to each of the members of this society."

Mr. Garrow (To the Court). I have an Argus of the following day, but I cannot prove it to be bought at the office, because the person is dead that bought it, and so I don't know whether your Lordship will permit me to produce it in evidence.

Lord President. No, I cannot.

The answer to Joel Barlow was then read, in which he says, that "without a representation of the people, frequently renewed, there can be no security for that personal liberty which we should enjoy, nor any rational hope that government would be employed to its proper object, the happiness of many, and not the enrichment of the few."

Mr. Gibbs. You have not read who was present at that last meeting.

(*Reads.*) "At a meeting held at the Crown and Anchor-Tavern in the Strand, Friday, October 19, 1792, present, Mr. J. H. Tooke in the chair, Mr. Sturch, Mr. Hull, Mr. Williams, Mr. Merry. Dr. Edwards, Mr. Parsons, Mr. Hannisley, Mr. Sharp, Mr. Brooksbank, Mr. Walfsh, Mr. Banks, Mr. Bonney, Mr. Peacock, Mr. Walford, Mr. Chetwind, Mr. Joyce, Mr. Berryman, Mr. Rickman, Lord Edward Fitzgerald, and Mr. Sinclair.

"Mr. Sturch produced and read to the society, the following answer he had prepared to Mr. Joel Barlow, and, which with his letter, was ordered to be published.

"A committee appointed to confer with the delegates of the London Corresponding Society, on an address to the National Convention of France.

"At a meeting of the society, held Oct. 26, 1792, at the Crown and Anchor-Tavern in the Strand, present, Mr. John Frost in the chair, Mr. Holcroft, Mr. Peacock, Mr. Moore, Mr. Hull, Mr. Walford, Dr. Edwards, Mr. Sharp, Mr. Banks, Mr. Balmano, Dr. Maxwell, Mr. John Martin, Mr. Sinclair, Mr. Sturch, Mr. Joyce, Mr. Colonel Keating, Mr. Parsons, Mr. Bonney, Mr. J. Williams, Mr. J. H. Tooke, Mr. Brooksbank, Mr. Downer, Mr. Sutton, Mr. Bailey, Mr. Morden, Mr. Barlow, Mr. Satchell, Mr. J. Adams, Mr. Richter, and Mr. Geddes,

Mr. Geddes; the Secretary read the report of the committee appointed at the last meeting.

" Resolved, 1st, That it is the opinion of this committee, that the purpose of the address drawn up by the London Corresponding Society, will be much better answered by separate addresses from the different Societies, than by one joint address.

" 2d, That the committee for that reason, do not recommend a concurrence with the London Corresponding Society, in the presentation of a joint address.

" 3d, That the committee warmly approving the principles and spirit of the address from the London Corresponding Society, recommend the society to follow so laudable an example,

" 4th, That it is the opinion of this committee, that the thanks of the society are due to the gentlemen delegates from the London Corresponding Society, for their punctual attendance, and for the able and candid manner in which they assisted in discussing the subject of the conference.

" Read a letter, with its enclosure, from the Editor of the Patriot at Sheffield.

" The letter itself complains of the Constitutional Society, for not answering a former letter, and encloses a letter from the Editor to a society at Stockport, which society they write recommends to the attention and protection of the Constitutional Society. The following are extracts from the inclosure.

" It only remains then for us, seeing the great and innumerable difficulties we have to encounter, to cast about for the most likely and proper means and weapons by which to defend ourselves, and to forward and support such measures as it may be necessary to pursue; and on this head, my good Sir, permit me to impress it on the minds of your society, that reason, imperial reason, must ever be our generalissimo or commander in chief; when I say this, I beg leave to add, that art must be second in command. By the word "art," I do not mean low craft or cunning, but that mode of application of our reason and arguments on different men and on different occasions, which only a considerable degree of study, and practical knowledge also of men and manners, can ever furnish us with, so as to make us proficient.

" Allow me then to observe to you, Sir, that I perfectly coincide with you in opinion with regard to the different societies appointing delegates to go into the different villages and country places for the purpose of informing their minds, and rousing them from the lethargy in which they seem plunged. I have already communicated the same idea to the London Constitutional and Corresponding Societies, and to those of Norwich and Manchester, and I hope it will soon be universally adopted by every one. But the grand object to be attended to on this head,

is the choice of men to be appointed: a neglect of this kind had like to have had very awkward consequences in this neighbourhood, and if not immediately checked, would have injured the cause of freedom very greatly: infinite care and circumspection will therefore be necessary on this head.

"As I am on the subject, permit me to suggest to those members of your society, who may undertake this arduous, but honourable and praise-worthy task, that they cannot be too cautious in their mode of proceeding. The minds of men, for the wisest and best purposes, are formed by the Great Creator, as various and unlike each other as their faces, and their passions reign over each with the same uncertain and variegated sway; and in the same manner that Sir Robert Walpole (one of the elders and fathers of corruption) very justly observed, that every man has his price in the way of being bought; so we may fairly apply the same maxim to mankind in general in the article of persuasion, and the dexterous method of bringing them from wrong opinions they may have formed, or prejudices they may have imbibed, by an attentive observation of their intellectual faculties, and that leading passion of the soul which governs the main spring of their most material actions.

"For example, the generality of farmers in this county and Lancashire, are as ignorant as the brutes they ride to market, and so absorbed in the sordid idea of *getting*, that provided they can keep up the prices of grain, cattle, &c. so as to answer their landlords, and pay *their taxes*, however enormous, they are too sluggish and indolent to think about reforms, or any thing of the kind; yet there is one string about their hearts, which, being skilfully touched, will make them dance to any tune, and move to any measure. This is the subject of *tythes*; and why does it touch them? Why, Sir, because it is within the scope of their limited capacity, ignorant as they are in other matters, they see and pungently feel the weight of this baneful and unjust devourer of all their improvements in agriculture and husbandry; and, I believe, did every tax operate in the same visible degree which this imposition does, I fear there would be an end to the idea of taxation being submitted to at all. Indeed, as taxes are laid on at present by those who do not represent us, the taxation is neither more nor less than robbery, a submission to it, slavery.

"But to return to my subject: *In the same manner that a farmer may be roused by the mention of tythes, the shoemakers may by the excessive dearness of leather, the inn-keeper by the numerous and unnecessary standing army, and ALL by a temperate and dispassionate relation of the immense number of sinecure places and useless offices, in which the corrupt and prostitute favourites, agents and dependants of the rich and great, riot in the spoils and plunder*

der, wrested from the sweat of the brow, and continual labour of body, of the husbandman, the mechanic, the labourer, and the artificer. It is by no means a difficult matter to raise general indignation at the idea of so small a comparative number of useless, idle, and profligate *drones*, sucking and squandering away the honey produced by such immense numbers of hard-toiling and industrious *bees*. If you (for I am certain you will be one of the most active of these delegates) meet with men who have violent prejudices in favour of any *abuse* or *party*, never attack those prejudices *directly*, for that will only inflame and confirm them the more; pass them over for the present, and engage their attention towards something else, in which they will listen with a less degree of apprehension of being attacked in a favourite point; once gain their good opinion, and open their eyes to one evil, they will be more ready to hear you on others, till at last the favoured object by which their eyes were jaundiced, will appear in its true colours, and fall before your arguments like all the rest.

“There is one thing above all others which requires to be particularly attended to, and that is, to endeavour to undeceive the mass of people with respect to those falsehoods which have been industriously propagated by the enemies to a reform, in order to blind, delude, and terrify all ranks of people who are any way independent, or possessed of property. One of these falsehoods is, “that the advocates of reform wish to introduce a levelling scheme, or an equal partition of property.” This alarms the farmers, and indeed all classes of men, who by their industry, or other adventitious circumstances, are possessed of the goods of this world. So many vile ministerial prints as have propagated this doctrine, aided and assisted by the private representations, or rather misrepresentations, of the clergy, and other tools of government, and of privileged orders, have had a very wonderful and baneful effect on the multitude, and have stamped a dread of reform on the minds of many that I know, whose situations in life would induce one reasonably to suppose it impossible so completely to impose upon them; however, it always has been the case, that falsehoods boldly uttered may prevail for a time, but must be overwhelmed in the end by the bright and sacred energies of truth.

“To explain this matter, and many others, properly, will require great coolness, moderation, and patience. I have found the following method answer best: “Do you know such a gentleman?” naming some one of large property and good character in the neighbourhood, who is known to be a friend to a reform. “Yes.”—“Well, and do you suppose that he would promote a scheme that would occasion and oblige him to
part

part with that property he possesses, in order for it to be divided amongst strangers whom he never saw or heard of?" "No." — "Why then should you suffer yourself to be imposed on by such an idle tale, fabricated and circulated for the purpose of raising a dread in you against those more enlightened of your fellow-citizens who wish for a reform, as you would, did you see its necessity; a dread which may cause you to shut your eyes upon oppressive excise and game laws, exorbitant tythes, an unnecessary *standing army*, kept on foot at the expence of two millions and an half, for the purposes of influence and corruption; a pension list, which is a disgrace to the government, and a stigma and reproach on the spirit and prudence of the nation; sinecure places, for the mere possessing of which hundreds of individuals receive thousands a year each, for doing *nothing at all*, either for the *public service* or *their own*; in short, such an enormous accumulation of taxes, and so prodigal an expenditure of their produce, as no nation on the earth ever heard of, or submitted to before. To make you shut your eyes, and continue blind to those enormities, those idle and futile tales are villainously dispersed abroad; but believe them not, consult your own reason, and it will shew you, that there is a palpable lie on the face of every one of them!" Then explain the nature, aim, and end of your society, invite them to attend it, and to judge for themselves. If they do so, they will soon aid and assist you, by adopting similar ones in their several neighbourhoods, till in time they will overspread the whole surface of this sea-girt isle.

"At present, Sir, I will not trouble you further on the subject, which I now quit to return to the conduct and regulation of your own society, and all others which may arise hereafter; and as to them, I think the inn-keepers in Stockport, Manchester, &c. have given you a hint and lesson for which you ought to esteem yourselves for ever obliged to them. I own their insolence and audacity in proceeding as they have done, is beyond example, but only deserving of contempt: as such leave them to themselves. Public-houses were never worthy of receiving such guests, whose sacred and important duty require and demand to be performed in mansions more dignified and respectable. Your meetings should be at the houses of one another, in honourable rotation; and to prevent inconvenience from too great a number, not more than ten or twelve at the most should compose a *primary* or district meeting. More members may be admitted in each district, till they reach twenty or twenty four, according to the number fixed on, but then immediately should divide into two district meetings. The several districts should send each one member, by election, to a meeting of delegates,

legates, and this meeting of delegates should elect out of their own body a *certain* number, which is to compose a select committee. This select committee to manage the correspondence, and every other important concern, for the whole of the districts in any town or parish, subject always to the revision and approbation of the districts. The delegates and select committee to be chosen only for a limited time, before the expiration of which, others to be elected as before, from the districts, to supply their places, by which rotations, every member would in *time* become qualified to be a delegate and a select committee-man, though he might not be so on his first entrance as a district member. These are only hints, on which you may improve or enlarge as much as you please.

“ Ordered, That the said letter be taken into consideration the first business at the next meeting.

“ Resolved, That at the next meeting of this society they do consider of an answer to the Corresponding Society, on the subject of their letter, accompanying their address to the National Convention.

“ Resolved; That at the said meeting the society do attend to the example of the London Corresponding Society, and consider of an address to the National Convention of France.”

“ Friday, November 2, 1792. At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Mr. Frost in the chair, &c. Ordered, that the two letters sent to this society, from the Editors of the the Patriot at Sheffield, and the society at Stockport, be referred to a committee.

“ Resolved, That a Committee of Correspondence be appointed to consider or answer all letters that have been or may be sent to this society.

“ Resolved, That Mr. Sturch, Mr. Jos. Adams, Mr. Frost, Mr. Bonney, and Mr. Holcroft, compose the said committee.

“ Resolved, That a committee be appointed to consider of an address to the National Convention of France.

“ Resolved, That Mess. Barlow, Sinclair, and Tuffin, do compose the said committee, be desired to prepare the same, and make their report on Friday. Read a letter from the London Corresponding Society; ordered, that the said letter be referred to the Committee of Correspondence.

“ Resolved, That thanks be given to Thomas Cooper, for his coming forth in the noble cause, the service of liberty and the rights of man, so minutely displayed in his Reply to Edmund Burke.”

“ November 9, 1792. At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern,
N n Strand,

Strand, present, Lord Semple in the chair, &c. The committee appointed at the last meeting to prepare an address from this society to the National Convention of France, made their report, and produced the following address, which was read and approved

The Society for Constitutional Information in London to the National Convention in France.

" Servants of a Sovereign People, and Benefactors of Mankind,

" We rejoice that your revolution is arrived at that point of perfection which will permit us to address you by this title; it is the only one that can accord with the character of true legislators. Every successive epoch in your affairs has added something to the triumph of liberty: and the glorious victory of the 10th of August has finally prepared the way for a constitution, which we trust you will establish on the basis of reason and nature.

" Considering the mass of delusion accumulated on mankind, to obscure their understandings, you cannot be astonished at the opposition you have met both from tyrants and from slaves. The instrument used against you by each of these classes is the same; for in the genealogy of human miseries, *ignorance* is at once the parent of oppression and the child of submission.

" The events of every day are proving that your cause is cherished by the people in all your continental vicinity; that a majority of each of those nations are your real friends, whose governments have tutored them into apparent foes, and that they only wait to be delivered by your arms from the dreadful necessity of fighting against them.

" The condition of Englishmen is less to be deplored: here the hand of oppression has not yet ventured completely to ravish the pen from *us*, nor openly to point the sword at *you*. From bosoms burning with ardor in your cause, we tender you our warmest wishes for the full extent of its progress and success. It is indeed a sacred cause; we cherish it as the pledge of your happiness, *our natural and nearest friends*, and we rely upon it as the bond of paternal union to the human race, in which union our own nation will surely be one of the first to concur.

" Our government has still the power, and perhaps the inclination, to employ hirelings to contradict us; but it is our real opinion that we now speak the sentiments of a great majority of the English nation. The people here are wearied with imposture, and worn out with war. They have learned to reflect, that both the one and the other are the offspring of unnatural combinations in society, as relative to systems of government,

vernment, nor the result of the natural temper of nations as relative to each other's position.

"Go on, legislators, in the work of human happiness. The benefits will in part be ours, but the glory shall be all you own: it is the reward of your perseverance: it is the prize of virtue. The sparks of liberty preserved in England for ages, like the coruscations of the northern Aurora, served but to shew the darkness visible in the rest of Europe. The lustre of the American Republic, like an effulgent morning, arose with increasing vigour, but still too distant to enlighten our hemisphere, till the splendor of the French Revolution, burst forth upon the nations in the full fervour of a meridian Sun, and displayed in the midst of the European world the practical result of principles, which philosophy had sought in the shade of speculation, and which experience must every where confirm. It dispels the clouds of prejudice from all people, reveals the secrets of all despotism, and creates a new character in man.

"In this career of improvement, your example will soon be followed; for nations, rising from their lethargy, will reclaim the rights of man with a voice which man cannot resist.

"Signed, by Order of the Society,

"SEMPLE, Chairman.

"D. ADAMS, Secretary.

"Resolved, That the thanks of this Society be given to the Committee who prepared the above address.

"Resolved, That Mr. Barlow and Mr. Frost, be deputed by this society, to present the address of this society, at the bar of the National Convention of France.

"Resolved, That the thanks of this Society, be given to Mr. Barlow and Mr. Frost, for accepting the above deputation.

"Resolved, That the said address be signed by the Chairman and Secretary of this meeting."

"Friday, November 16th, 1792. At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Mr. Bosville in the chair, read a letter from Mr. Philips of Leicester, requesting some of the publications of this Society. Ordered, that the Secretary send to Mr. Philips such of the publications of this Society as he may think necessary for the purpose of answering Mr. Philips's letter."

"December 7, 1792. At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Mr. Bryan in the chair. Read a letter from Mr. Barlow and Mr. Frost, with the answer of the National Convention to the address of this Society. Ordered, that the said letter be taken into consideration at some future meeting."

2. (*To Maclean—some papers shewn him.*) Look at these papers, and tell me whether you seized them in the possession of Mr. Adams, Secretary to the Constitutional Society?

A. Yes, these were the papers I seized.

Mr. Garrow. Here are the papers that refer to the last minute, found in the possession of Adams, the Secretary to the Constitutional Society.

(*The Clerk then reads*)

A letter signed Joel Barlow, and John Frost, addressed to the Society for Constitutional Information in London.

" CITIZENS AND ASSOCIATES,

" We have executed your commission to the National Convention at France, in a manner which we hope will meet your approbation; the papers herein enclosed were read at the bar of the Convention, and received with universal applause; afterwards the Convention gave us the kiss of fraternity, in behalf of the French nation; which we afterwards gave on behalf of our societies, &c. It was the reconciliation of brethren, which had been long excited to mortal enmity by misunderstanding and mutual imposition. The wound that had bled for ages was closed and forgot, and by the voice of nature, declared they should never more be opened."

" Paris, 28th November, 1792. Signed Joel Barlow and John Frost, at the bar of the Convention.

" CITIZENS OF FRANCE,

" We are deputed by the Society for Constitutional Information in London, who send their congratulations to you on the triumphs of liberty, &c.

" Innumerable societies of a similar nature, are now forming themselves in every part of England, Scotland, and Ireland; after the example which France has given, the science of revolutions will be rendered easy, and the progress of rising liberty rapid. It would not be strange, if in a period far short of what we should venture to predict, addresses of felicitation should cross the seas to a National Convention of England.

(*Here follows the address, which see page 282 of this work.*)

" We are also commissioned to inform the Convention, that the society whom we represent, have sent to the soldiers of liberty, a patriotic donation of 1000 pair of shoes, and the society will continue sending 1000 pair a week, for at least six weeks to come. We only want to know to whose care they should be addressed."

The President's Answer.

" Brave Children of a nation which has given lustre to the two worlds, and great examples to the universe; you have addressed us with something more than good wishes, since the condition

condition of our warriors have excited your solicitations, the defenders of our liberty will, one day, be the defenders of your own; you command our esteem, you shall expect our gratitude; the sons of liberty to the world will never forget the English nation. The moment cannot be far distant when the people of France will offer their congratulations to a National Assembly in England. Your island, it is said, was severed from the continent by a great convulsion of the globe, but liberty will repair the breach, in restoring the two nations to that harmony and friendship for which reason designed them.

"Generous republicans, your appearance in this place will form an epoch in the history of mankind; history will consecrate the day when in the name of a great number of your fellow-citizens, you appeared in the midst of the National Convention of France.

"Tell the society that deputed you, and assure your fellow-citizens in general, that in your friends the French you will find men."

Mr. Garrow. Be so good as turn to the meeting, December 14th, 1792.

(The Clerk reads.)

"At a meeting of the society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday 14th December, 1792, Mr. J. H. Tooke in the chair, read a printed address from Manchester: Resolved, That the said address be approved for publishing in the newspapers. Resolved, That 100,000 copies of the same be printed by this society, and distributed to their correspondents in Great Britain and Ireland. Resolved, That the said Resolutions be signed by the chairman and secretary of the meeting. Read a letter from the Friends of the society for Liberty and Equality, sitting at Laon, capital of the department De L'Aisne, to the patriotic society of London, named the society for Constitutional Information. Resolved, That the said letter be referred to the committee of correspondence."

Q. *(To Maclean—a letter shewn him)* Look at this, and tell me if you seized it at the house of Mr. Adams, secretary to the Constitutional Society?

A. Yes, I did.

Q. Did you find this likewise? *(shewing him another.)*

A. Yes.

Mr. Garrow. These, my Lord, are the French letters to the Constitutional Society.

WILLIAM HUSKISSON sworn—examined by Mr. GARROW.

Q. You have resided, I believe, a considerable time in France?

A. Yes.

Q. You

Q. You are well acquainted with the French language?

A. Yes.

Q. Be so good to take this letter into your own hand, and we will read the English, and you will object if there is any mis-translation of it—What are the first words?

A. At the 17th of December, in the first year of the French Republic: To live free, or die.

Q. Now, you will be so good to tell us if this is a correct translation; you looking over the original, and the Clerk reading the translation.

(The Clerk reads.)

“ The first year of the French Republic, the Popular Republican Society, sitting at Macon, in the department of Saone and Loire, live free, or die, Citizens, Brethren and Friends,

“ When two great nations, acquainted with their rights, approximated by their commercial connections and natural situation, formed to love and act in concert with each other, begin to form the glorious project of uniting themselves for the regeneration of the human race, one may then say, with reason, that empires are ripe and ready to fall! How glorious will it be for France and for England to form a plan for the destruction of tyrants, and to have purchased, at the price of their blood, the liberty of the world. We may say more than the whole universe: Courage, brethren and friends, it is for you to follow us in the glorious and hazardous career of the revolution of the world. Can ye any longer groan under the yoke of a government that has nothing of liberty but the name, as if your land was inhabited by none others than freemen? Can you, without hesitation, consider your government as such? Will you content yourselves with a partial freedom? Will the English be satisfied with principles alone? Will that bold nation, that has produced philosophers the most profound, and that first of all perceived the sparkling rays of reason, remain a spectacle in so noble a cause? No, brethren and friends—No, you will surely lift up yourselves against that infamous Court of St. James's, whose infernal policy, like to that which found its tomb in the Thuilleries, have made so many victims in our two nations, and disunited them perpetually to rule over them.—Your love for liberty has fixed your attention on the acts of our defenders. Your generosity towards them is an entitlement to the acknowledgment of republicans. We are impatient to furnish you with the same advantages. The popular societies of France desire ardently the epoch that shall permit them to address their voice to the National Assembly of Great-Britain; and

and to offer to the foldiers of your nation, arms, bayonets, and pikes.

"The members composing the committee of correspondence.

"ANSELL AUGER, Secret."

Mr. Garrow Read another letter from the society of the Friends of Liberty and Equality, dated the 2d of October.

Huskisson. This you have given me is dated the 6th of December.

Clerk of the Court. Then this is not the right copy.

Mr. Garrow. It is lost then.

Lord President. There was only one letter spoken of in the minutes of that day.

Mr. Bower. There are two: one is towards the top of the page, and the other towards the bottom.

Mr. Garrow. The other French letter, since I shewed it to Mr. Maclean, has by some means or other vanished, as it cannot be found, we must read the translation.

(*The Clerk reads.*)

"The first year of the French Republic, 2d October, 1792."

Mr. Garrow. (*To Maclean.*) Look at that; is that what has been shewn to you before to-night?

A. No, it is not, I see a letter inclosed in a cover and another.

Mr. Gibbs. How many have you seen of these French letters before this?

A. Two.

Mr. Garrow. Have you seen that to-night (*shewing him another*) and verified it as found among Mr. Adams's papers?

A. Yes, I think this is one.

Q. Now, look at this, which is the cover marked by you, was there any letter in it when it was shewn to you?

A. Yes.

Q. Look at that third paper, and tell us if you have seen that to-night before?

A. I recollect nothing of this.

Mr. Gibbs. So far as this goes, I see a letter inclosed in a cover, it is better to look for it.

The letter was afterwards found under the table, under the Clerk's feet, who reads it, dated 12th October 1792).

Letter from the Society of the Friends of Liberty and Equality to the patriotic society at London, called the Society for Constitutional Information, sitting at Laon:

"Generous Republicans, the philanthropic gift you have presented to the warriors of France, &c. accept the thanks of the

the society. The time is not far distant when the soldiers of our liberty shall be able to testify their gratitude ; then their arms shall be for you ; then France and England shall form together a treaty of union as lasting as the Seine and the Thames ; then there, as here, shall exist no other reign than that of liberty, equality, and friendship. May that day of liberty and glory soon arise on the horizon of the two nations. December 2, 1792, the first year of the French Republic, to the patriotic society, called the Society for Constitutional Information."

(The Clerk reads another copy of a letter, and the witness looks over the French original letter as before.)

Mr. Garrow. It is one found by Maclean.

Letter dated 6th December 1792, the first year of the French Republic.

" The Society of the Friends of Liberty at Macon, in the department of the Seine and Loire, to the Constitutional Society at London :

" Yes, citizens, our brethren and friends, the 10th of August 1792, shall be distinguished in the annals of the world as the day of triumph of liberty ; our first revolution did but shew to us the salutary principles, the imprescriptible principles of the Rights of Man ; all except the faithless and enemies of humanity, adopted them with eagerness."

Huskisson. Faithless to the people, without principle.

Mr. Erskine. The unprincipled.

(Clerk goes on reading.)

" It was then that we formed ourselves into a society, in order the better to impress them on ourselves, and afterwards to teach them to our fellow-citizens. Our first constitution had consulted them, but had not already taken them for its basis ; the difference of passions, the force of habit, the impressions of prejudices, and the power of intrigues employed in our constituted assembly, found the secret to preserve sufficient authority to our tyrants, to extinguish for some time the sacred rights of nature, and to re-establish despotism on its throne of iron ; but royalty thus preserved was not content with its victory secured to him, it was impatient to reap the fruits that it appeared to promise itself, but its too great eagerness has hastened its ruin, and secured the triumph of reason ; the French, proud of their own existence, *has perceived the falsity of its first legislature.*"

Huskisson. Became sensible of the imperfection of the first laws.

(Clerk goes on reading.)

" They see that they made a surrender of the love of liberty
and

and equality which they had embraced ; they rose themselves at length to demand laws impartial and human, from thence the necessary day of the 10th of August 1792 ; from thence the second revolution, but a revolution which is the only completion of the first which has received our voice and our oaths, and which we will bless for ever ; it leads to happiness the nation, it constantly maintains the liberty and equality of the people ; let great tools and tyrants calumniate us, we despise them too much to condescend to answer them, or seek for their esteem. That which flatters us, is the interest you take in our labour, and your attention to contribute to the success of our arms ; we desire your esteem ; we are proud of your approbation ; we smile at the expression you manifest to our affection ; we behold the brave English adopt our principles, become our friends ; we say to ourselves with pleasure, soon will they become our allies, and uniting in our efforts, we shall go on to deliver the universe from the yoke of tyrants, to restore the nations to reason and liberty.

“ In the mean time receive our thanks and correspondence with brethren who set a high value on your esteem.

(Signed) “LEVENÉ, the Younger, President.”

THOMAS WOOD sworn—examined by Mr. GARROW.

Q. Do you know Mr. Frost's hand-writing ?

A. Yes ; I have seen him write many times.

Q. Look at that, and tell us if you believe that to be his hand-writing ?

A. Yes ; I have no doubt of it.

(The Clerk reads.)

A letter dated Paris, September 29, 1792 ; addressed John Horne Tooke, Esq. Signed, J. F.

“ MY DEAR SIR,

“ We arrived safe at this place yesterday at dinner, having met with no interruption on our journey by night or by day since we left Dover, except a delay at Clermont, &c. the police being quite under arms, apprehensive with meeting Louis and his wife ; the latter braves it, and will to the last ; the former is insensible of his fate.

“ About three hundred of the present assembly are returned to convention, the rest retire with acclamations ; Mr. Paine made his appearance here in the National Convention last night, which excited great curiosity amongst both men and women, and occasioned no small interruption ; the first who embraced him was Chambon, who last night made a most excellent speech on the jewels, plate, &c. found in the churches, in order to have them melted, as the most infamous use had been made of them, by pawning them to the Jews, for raising money for the emigrants : this motion was the more necessary, as forty men

armed had entered the Thuilleries and carried off forty millions of livres; the King had anticipated his civil list a year and a half, and mortgaged his domains for six years; the bankers, and others, who have advanced the money, will be ruined. I will inform myself between this and Monday, of every thing that is passing, and by that post send you every thing relating to the Temple, the truth of which is not known in England, or if known, concealed in England to blacken the Revolution. I am sorry to learn that the conduct of your friend, General M. is not well spoke of; he was in the Thuilleries all Friday night; he is now with Dumourier's army, which is now eighty thousand strong; and it is expected that an account will arrive this day of an engagement between him and the Prussians, as General ——— had, by a forced march over the mountains, joined him; there are five hundred thousand troops now on the frontiers; the language of the King of Prussia is now changed from threats to soothing; a few Prussian deserters have come over, but a great number of Austrians have entered.

"The post is going out and compels me to hasten to a conclusion. We dine to day with Petion. Paine has entered his name on the roll of parliament, and went through the forms of office with a great deal of non-chalance; we are well-lodged, and besides our bed-room, have an entertaining-room for members to be shewn into. The Clerk of the Parliament has this moment been here, a relation of the notorious George Rose, I have nothing more to add than that Mr. Paine is full of spirit; I believe he is rather fatigued with the kissing. Petion still retains his popularity; Robespierre has been attacked in the primary assemblies, and told that he was the most dangerous man in France, and that a good citizen ought to blow his brains out. Mr. Watt is here and very well. What is become of Dr. Maxwell? J. F."

Mr. Garrow. I propose to shew what some of these transactions of the 10th of August was.

Mr. Huskisson called in again—examined by *Mr. GARROW.*

Q. Was you in Paris on the 10th of August 1792?

A. Yes.

Q. I believe you resided in the house of the British Ambassador?

A. I did.

Q. Had you been there any time previous to the 10th of August, in Paris?

A. From the month of July 1790.

Q. What was the nature of that which you say was the contest which kept you at home?

A. I heard firing, saw smoke, and afterwards saw some of the out-buildings

out-buildings of the palace on fire ; and I saw the people running with their arms towards that part of the town.

Q. What did you find that occasioned that firing, from what had it proceeded ; the firing of arms and the firing of the buildings ?

A. The firing of arms I apprehended proceeded from the palace ; from those that wished to enter the palace, and also from those that wished to oppose their entrance.

Q. Was the palace at that time the residence of the King and his family ?

A. I believe it was.

Q. Can you describe any other transactions of that day either from your knowledge at the moment, or observation afterwards ?

A. I saw in the evening of that day the governor of the palace, who came to my lodging, and took shelter in it as a place of safety, as he conceived it, and he described it to me.

Mr. Garrow. In point of fact, the governor of the palace took shelter in your lodgings ?

A. He did. I went out in the evening about nine o'clock as near as I can recollect ; I did not see any thing worth mentioning : I think I went near towards the bridge that leads to the palace, and I was stopped by some centinels and told not to approach farther, and there were some out-buildings then burning.

Lord President. The whole of it is, that there was a great tumult, a great deal of slaughter, and the King and his family were obliged to take shelter in the Convention and were never restored to their liberty afterwards.

Mr. Garrow. I am very willing to take that statement of it, I am sure every body knows that except the jury.

Mr. Attorney General. I propose to read two letters found in the possession of Mr. Tooke.

WILLIAM WOODFALL sworn—examined by Mr. ATTORNEY GENERAL.

Q. Do you know whose hand-writing that is ?

A. I take it by the character to be Mr. Tooke's.

Q. Have you seen him write ?

A. I have seen him write.

Mr. Erskine. Have you seen him write often ?

A. I have more than once or twice. I have seen a great deal of his writing.

JAMES THORNTON sworn—examined by Mr. GARROW.

Mr. Garrow. Just shew these four papers to the witness. Look if you find your name on these ; if you do, whether you seized them on the person of Horne Tooke ?

A. That is my writing, James Thornton, on two of them; two of them are not.

JOHN THOMPSON sworn—examined by Mr. GARROW.

Q. You have been one of the officers of the public office, Limehouse, I understand?

A. I am Clerk to the public office, Whitechapel.

Q. Was you present when any papers were found in Mr. Tooke's house?

A. Yes.

Q. Where?

A. At Wimbledon.

Q. Where were they found?

A. Some in bureaux, and some in other places. Mr. Frost and Mr. Vaughan were present, and the keys were delivered to me by them.

Q. Did they attend as friends of Mr. Horne Tooke?

A. They did.

Q. Were the keys delivered to you immediately, or was there any difficulty in getting them?

A. They were delivered over immediately. These two papers are marked by me, found in the house of Mr. Tooke.

Mr. Garrow. (*To Huskisson.*) I believe we must trouble you to look over these letters as the Clerk reads the translation.

(*The Clerk reads.*)

A letter, signed John Horne Tooke.

" SIR,

" You are now aware the friends in England ardently want to be useful to the liberty of the French, but we wish to know some one of your friends in London, in whom you have an entire confidence, to whom we may give our money, in the assurance it will be remitted to you without delay and without fraud. Mr. Frost, to whom I entrust this letter, is going to set out this day for Paris, and allows me no time.

" I request you to send me the name of some Frenchman and merchant in London. We can now begin our contributions in one thousand pounds sterling, and have no doubt but it will hereafter amount to several thousands.

" If you consider this step in the same point of view that we do, you will see in it much advantage to the public cause of England and France. I intreat you to give me your sentiments on the subject, and to point out to me any manner useful to you."

(*The Clerk now reads.*)

The answer signed Petion, dated 6th of October, 1792. The first year of the French Republic.

" BRETHREN AND FRIENDS,

" Liberty is a bond that ought to unite all men, and which will one day unite all nations, &c. You have the glorious advantage

vantage of deserving the hatred of your government. The league of tyrants will never be able to subdue the power of reason, continue your precious labours. You will find in the French, worthy fellow labourers, honoured by the sentiments which you express, firmly receive the assurance of my gratitude,

“ Your fellow citizen,

“ PETION.”

Mr. Garrow. (To the Clerk) Read that letter dated the first of October, 1792, addressed to J. H. Tooke, signed Renney, municipal officer to the mayor of Paris, in answer to some letters of Tooke's,

(The Clerk reads.)

“ I have received the letter which you did me the honour to address to me on the 13th. You can have no doubt of my impatience to second views so useful, which will for ever desire our gratitude, and draw closer the bonds of fraternity between us.

“ Will send you the name of a person in whose hands you may place the funds which you devote to liberty.”

Mr. Garrow. (Puts another paper into the hands of the Clerk.) The paper the Clerk has now in his hand, has been proved by Mr. Woodfall to be in Mr. Tooke's hand writing, it appears to be an address to the president of the French Convention, having no date to it.

(The Clerk reads.)

“ MR. PRESIDENT,

“ Thirty years ago I travelled in France, when she was enslaved. I received a thousand civilities, and was chagrined at her destiny.

“ I intreat you to accept these 400 livres, and to place them to the expence of the war against all the tyrants who have dared, or shall dare to attempt against her liberty, without excepting any one even of my own country. As to the debt of honour, made me as a French citizen, it will be my honour to acquit myself of it, the rest of my life, faithfully and with zeal.”

Mr. Attorney General, I shall beg your Lordship's permission, (I know it is a little out of the order of time) to read the speeches of St. Andre and Barrere, as delivered in the Convention on the 4th, 6th, and 7th of January.

(The Clerk reads.)

“ At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, 18th of January, 1794, present, Lord Semples in the chair, &c.

“ Resolved, That citizen St. Andre, a member of the National Convention of France, being considered by us as one of the most judicious and enlightened friends of human liberty, be admitted an associated honorary member of this society.

“ Resolved,

" Resolved, That the said resolution be published in the newspapers.

" Read a letter signed Erratus, addressed to the secretary of this society.

" Resolved, That the said essay be referred to Mr. Holcroft, for his perusal."

(The Clerk reads)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, 25th January, 1793, present, Mr. Jennings in the chair, &c.

" Resolved, That citizen Barrere, a member of the National Convention of France, being considered by us as one of the most judicious and enlightened friends of human liberty, be admitted an associated honorary member of this society.

" Resolved, That citizen Roland, being also considered by us as one of the most judicious and enlightened friends of human liberty, be admitted an honorary member of this society.

" Resolved, That the said resolution be published in the newspapers.

" Resolved, That it appears to this society, from the best information we can obtain, that the people of Great Britain are, at this present time, utterly averse to a war with France; and consider such an event as a calamity of the human race, however it may gratify a confederacy of foreign kings.

" Resolved, That the said resolutions be published in the newspapers."

(The Clerk reads.)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday 1st Feb. 1793. Present, Mr. Fitzgerald in the chair, &c.

" Read a circular letter from the Sheffield Society for Constitutional Information.

" Resolved, That the committee be appointed to report an answer.

" Resolved, That Mr. Tooke, Mr. Holcroft, Mr. Tuffin, Mr. Cooper, Mr. Chetwind, and Captain Harwood, be of the committee.

" Resolved, That the committee meet at half after three, in this place.

" Resolved, That the speeches of St. Andre, and citizen Barrere, (associated honorary members of this society) as given in the Gazette National ou Moniteur Universelle of Paris, on the 4th, 6th, and 7th of January, 1793, be inserted in the books of this society.

" Resolved, That the said resolutions be published in the newspapers."

Mr. Garrow. (To Huskisson.) During your residence in Paris, was you used to see the Moniteur Universelle?

A. Yes,

A. Yes, I was.

Q. Look at these and tell us if they are French papers of the date they purport to be?

A. They have every appearance of those I have seen in Paris.

Q. The type and paper appears to you to be the same?

A. Yes, they have every appearance to be the papers that I took in, both at Paris and at London.

Mr. Erskine. I apprehend that this is certainly not sufficient evidence. You do not mean to say, Sir, that these are the *Moniteurs*?

A. By no means.

Mr. Attorney General. Mr. Erskine, it will be better to call another evidence, and then take your objection on the whole together, it will save time.

JOSEPH DE BOFFE sworn—examined by Mr GARROW.

Q. You are a bookseller?

A. Yes.

Q. Where is your shop?

A. In Gerard-street, Soho.

Q. Your shop is principally employed in the sale of French publications?

A. Yes, newspapers and all sorts of books.

Q. These newspapers come to you, through the channel of the post-office?

A. Yes, and private conveyances besides; the major part of them come immediately from Paris, by post to Calais, from Calais they were sent to Messrs. Minet and Fector at Dover, and forwarded to me; I never had any newspapers but what were regularly opened at the custom-house at Dover.

Q. You are a native of France, I believe?

A. No, I beg your pardon, I am a Swiss.

Q. You understand French?

A. Yes.

Q. Was you acquainted particularly with that paper, which had for its title, *The Paris Gazette*, or *Universal Moniteur*?

A. Yes, I have had a great many of them.

Q. Take these papers in your hand, did you ever know of any of these French papers, with the French titles, and in that shape, reprinted in England?

A. I have never known it.

Q. From the paper, from the type, and from the general appearance of these papers in your hand, comparing them with the recollection of those which have passed through your hands in the course of trade, do you believe them to be French *Monitors* conveyed from France to England?

A. Yes, perfectly so, and more than that, there are many collections

collections in this country, which might be compared with them.

Q Is that French paper and French type?

A. It is real French paper and the real Paris type; I received them immediately from Mr. Pikewood.

Mr. Attorney General. I offer three of these papers; one dated the 4th, another the 6th, and another of the 7th of January, 1793, upon the evidence now given, which purports to contain speeches of citizen St. Andre and Citizen Barrere.

Mr. Erskine. I have no anxiety about it. I will leave it to the discretion of the Court.

Lord Chief Justice. I think it is reasonable evidence.

Mr. Erskine. It is wasting the time of the Court.

Mr. Huskisson called again.

Mr. Attorney General. Take these foreign papers, and Mr. Shelton will read the translation.

A. Barrere's speech will take two hours.

Mr. Erskine. They are now speaking in their places, as the National Assembly of France.

Mr. Attorney General. Have you any objection to Mr. Shelton reading the translation, and correcting as he goes on from the witness. The view which I have in offering them is, I admit that they are the speeches of gentlemen speaking in their places in the National Assembly in France; but they have inserted them in the books of this society among their resolutions.

Lord Chief Justice. It is hardly worth debating, because it is almost impossible to misunderstand it.

Mr. Erskine. I find that reading so many letters from Mr. Horne Tooke to Mr. Frost, to Petion, and from Petion, and so on, backwards and forwards, it confuses it so, that it is impossible for us to take any account of them.

Mr. Attorney General. We shall refer you to the pages in the printed report.

(The Clerk reads St. Andre's Speech, Huskisson correcting it as follows:)

"If you have a right to decide on the fate of Louis, it is because you are a revolutionary assembly, appointed by the French nation in a state of insurrection."

Mr. Attorney General. Now go to Barrere's speech.

"The question now submitted to your deliberation, is of the highest importance to public order, the greatest difficulty in legislation, and of the utmost delicacy in politics.

"The calmness which has prevailed in deliberations for some days past, forebodes that it will be decided according to justice and reason. It will not escape history this, the contrast between the King, who, amidst the dissipation of courts, signed proscriptions, and death-warrants for a thousand citizens; and the

the representatives of the people, who deliberate with wisdom and caution on the punishment of a single despot.

" It is the destiny of Kings to be the occasion of calamities of the people, whether they remain on their thrones or are precipitated from them.

" The people of Paris, by making an holy insurrection against the King on the 10th of August, deprived him of his character of inviolability. The people of the other departments applauded this insurrection, and adopted the consequence of it. The people have therefore formally interposed to destroy this royal inviolability. The tacit consent of the people rendered the person of the King inviolable. The act of insurrection was a tacit repeal of that consent, and was founded on the same grounds of law as the consent itself.—The King's person is inviolable only with relation to the other branches of the legislature, but not with relation to the people.

" A convention differs from an ordinary legislature in this respect—A legislature is only a species of superintending magistracy, a moderator of the powers of government—A convention is a perfect representation of the sovereign.—The members of the legislative assembly acted in August upon these principles.—In summoning the convention, they declare, that they saw but one measure that could save France; namely, to have recourse to the supreme will of the people, and to invite the people to exercise immediately that unalienable right of sovereignty which the constitution had acknowledged, and which it could not subject to any restriction. The public interest required that the people should manifest their will by the election of a National Convention, formed of representatives invested by the people with unlimited powers.—The people did manifest their will by the election of that convention; the convention being assembled, is itself that sovereign will that ought to prevail, it would be contrary to every principle to suppose that the convention is not alone exclusively the expression of the general will.

" The powers of the convention must, from the very nature of the assembly, be unlimited with respect to every measure of general safety, such as the execution of a tyrant.—It is no longer a convention if it has not power to judge the King.

" A convention is a constituent body, *i. e.* a body that is to make a constitution for the people.—A legislature makes laws under an established constitution, and in conformity to it. It is despotism when in the ordinary and permanent establishment of a state there is no separation of powers; but it is of the very essence of a constituent body to concenter for the time all authority.—It is the very nature of a National Convention to be the temporary image of the nation, to unite in itself all the

powers of the state, to employ them against the enemies of liberty, and to distribute them in a new social compact, called a constitution !

“ Behold that constituent assembly which laid the first foundations of your liberty ; behold that revolutionary genius which broke through every impediment, exceeded its delegated authority, created its own powers according to the exigencies of liberty, and to the occasional wants of the people ; destroyed all prejudices by the force of that public opinion to which it gave birth, obliterated all privileges, abolished all the parliaments, changed the form and tenure of all property, as well as the measure and sign of all value, and made a perjured King its prisoner ! Nothing was wanting to immortalize that assembly but to have delivered France from that calamity of kingly government, and to have relieved you from the duty of judging the last of your Kings. With this example before your eyes, you hesitate even in the first step of your duty. Am I then no longer in the midst of that National Convention, whose honourable mission it was to destroy Kings and royalty ?”

(The Clerk reads.)

“ At the meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, February 15, 1793, present, Mr. Read in the chair, &c.

“ Read a letter from the Society for Constitutional Information at Birmingham, of which the following is an extract :

“ Our society requests the favour of your admitting the following twelve persons, whose names are subscribed, to be inrolled members of your society, for the purpose of corresponding with yours, and every other similar institution in the nation, for the better regulating our measures and receiving instructions. Wishing you all the success your laudable undertaking deserves,

“ We are, with sincerity,

“ Your fellow-citizens and friends.”

“ Resolved, That the twelve members of the Birmingham Society for Constitutional Information, recommended in the said letter, be admitted associated members of this society.

“ Resolved, That the said letter and the election of the said twelve members, be published in the newspapers, exclusive of their names.”

Mr. Garrow. I now propose to produce a paper received from Birmingham, found in the possession of Mr. Adams, dated 20th March, 1793.

Q. *(To Maclean—a paper shewn him)* Be so good to look at that paper, and tell me whether you found that among Mr. Adams's papers ?

A. Yes, I did.

(The

(The letter read by the Clerk of the Court.)

Dated Birmingham, March 25, 1793, signed John Kilminster, Secretary, and addressed to Mr. D. Adams, No. 4, Tooke's-court, Chancery-lane, London :

" SIR,

" At the request of the Society for Constitutional Information, I hereby acknowledge the receipt of your letter, whereby it appears that your society have acceded to our request, by electing the persons (whose names you were furnished with) as associated members of your society, for which we beg you to accept our united thanks, and best wishes that your society may go on to accumulate a mass of true patriots, whose principles may not be subverted by interest, or conquered by fear.

" This society offers with gratitude their thanks and commendations to ————, Esq. for the present accompanying your letter, but more particularly for his zeal in the cause of freedom, which cannot be promoted but by the free use of the press, which we trust will never be restrained from Britons. Another letter accompanies this, containing a few particulars, which we doubt not you will peruse with pleasure. Will write you further on that subject shortly.

" I am, &c.

" JOHN KILMINSTER, Secretary."

Mr. Garraw. I now return to the 15th of March 1793.

(The Clerk reads.)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor-Tavern, Strand, Friday, March 15th, 1793, present, Captain Harwood in the chair, &c.

" Read a letter from the Constitutional Society at Sheffield, inclosing the resolutions of February 13th last.

" Resolved, That the secretary be instructed to return the thanks of this society, to the Society of Constitutional Information at Sheffield, for their communication, and to acquaint them that this society perfectly agree with them in their sentiments with respect to the calamities of war in general ; and that they concur with them in thinking that the thanks of the community at large are due to all those who have exerted themselves to prevent the present war.

" Resolved, That the thanks of this society be given to Joel Barlow and John Frost, for their conduct in the presentation of the address of this Society to the National Convention of France ; and that Mr. Frost be assured that our regard for him is not lessened, but increased, by the prosecutions and per-

secutions which his faithful and due discharge of that commission may bring upon him.

"Ordered, that these resolutions be printed in the newspapers.

"Received a letter from Edinburgh from a most respectable correspondent, giving an account of a trial of some lady there, on a charge of attempting to seduce the soldiery."

(The Clerk reads.)

"At the meeting of the Society for Constitutional Information, held at the Crown and Anchor, Strand, Friday, March 22, 1793, present, Mr. Symonds in the chair, &c.

"Read a letter upon the political societies of Norwich.

"Resolved, That the consideration of the said letter be postponed till the next meeting.

Q. *(To Maclean)* Did you find this at Mr. Adams's house?

A. Yes.

(The Clerk reads.)

A letter, dated March 5, 1793; signed J. Broughton, addressed to Mr. D. Adams, No. 4, Tooke's-court, Chancery-lane, London.—*See page 113 of this work.*

Mr. Garrow. Your Lordships observed, in the minutes of the last meeting, the consideration of this letter was postponed for further consideration; I read the minutes of the next, to shew it was again postponed for further consideration.

(The Clerk reads.)

"At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, in the Strand, Friday, March 29, 1793, present, Captain Harwood in the chair, &c.

"Resolved, That the consideration of the letter from the United Political Society at Norwich, be deferred till next meeting."

Mr. Garrow. Now go to the next meeting, and you will find it again postponed.

(The Clerk reads.)

"At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, April 5, 1793, Captain Harwood in the chair, &c.

"Resolved, That the consideration of the letter from the United Political Societies of Norwich shall be re-postponed, and that Mr. Frost shall be appointed to prepare an answer.

"Resolved, That a letter be written to Simon Butler, Esq. and Oliver Pond, Esq. expressive of the high sense we entertain of their exertions in the cause of freedom; and to assure them, that we consider the imprisonment they at present suffer on that account, as illegal and unconstitutional. The following letter was produced and read.

"GENTLEMEN,

" GENTLEMEN,

" It is not easy for men, who feel strongly and sincerely, to convey those feelings by letter, we therefore rely on your conceiving for us much of that which we are unable to express to you. We think, however, that we shall be guilty of a great omission, did we neglect the opportunity of sending you, by Mr. Hamilton Rowan, the honest tribute of our esteem and admiration for your brave and manly resistance to the usurped jurisdiction of Irish aristocracy.

" Permit us to offer you our thanks, and our grateful acknowledgment of your efforts in what we consider as a common cause, while we lament our inability of proving ourselves useful in your defence.

" Although we are of different kingdoms, still we are but one people; and as the freedom of one continent has already spread its influence to Europe, so, on the other hand, we are persuaded that the establishment of despotism in Ireland must end in the slavery of Great-Britain. But the light of liberty is not confined to one shore or one latitude.

" We know that it is easier to admire than to practise those virtues that tend to the public benefit. Yet so long as the exertions of a few courageous men must influence the minds of at least the independent and thinking part of the community, we are assured that their labour is not fruitless. We trust, therefore, the time will soon arrive, when the abuse of power in either nation will have no other consequence than the ruin of those who have committed that injustice. We hope, and we doubt not, of soon seeing the day, when the post of honour shall be no longer that of obliquy and punishment, but when those who have risked their liberty and fortune in the cause of their countrymen, may find protection in the undisputed, uninterrupted exercise of trial by jury, with a full and adequate representation of the people in parliament.

" Resolved, That the said letter be signed by the Secretary and Chairman, and that Mr. Hamilton Rowan be requested to convey the same to Mr. Butler and Mr. Bond."

(The Clerk reads.)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand. Mr. Frost read an answer to the letter received from the United Political Societies at Norwich.

" Resolved, That the said answer be sent by the Secretary to the said societies.

" Mr. Frost read an answer (directed to be prepared by him) to the letter received from Mr. Broughton, of Birmingham.

" Read

" Read a letter from Mr. Hamilton Rowan to the Secretary of this society.

" Ordered, That the said letter be entered in the books of this society.

" Mr. Hamilton Rowan presents his compliments to Mr. Adams; he did intend to have done himself the pleasure of waiting on him, but has been so intolerably hurried by private business as to have been prevented from his purpose, and fears he shall not have it in his power before he leaves this town for Ireland, which will be either on Monday evening or early on Tuesday morning. He knows that no more pleasurable sensation can be received by Mess. Butler and Bond, as well as by all those gentlemen who are acting with them, and who, though not under present, are liable to future prosecution, than the countenance and support of those who are really engaged in the cause of man in general, and such we believe the members of the Society for Constitutional Information to be, and as such H. R. in particular will remember the kind fraternity with which he had the honour of being received by them; and, as a member of the United Irishmen of Dublin, would be happy to have it in his power to return the compliment in his own country.

" Osborne's Hotel, Adelphi, April 7, 1793."

Mr. Erskine. My Lord, it is now ten o'clock at night, and my learned friend Mr. Gibbs feels himself to extremely indisposed, that an adjournment would be extremely desirable to him; your Lordship will recollect that the prisoner's counsel have a much harder duty to perform than the gentlemen on the other side, because their number being so great, one can be occasionally absent for a whole day; but there being only two for the prisoner, neither of them can be spared.

Lord Chief Justice. We are sorry, Mr. Gibbs, for the cause of your application, but we had rather give you an hour to-morrow, unless you have occasion to consult. I am sure neither Mr. Erskine nor your client will object to your retiring now.

Mr. Erskine. My Lord, I certainly wish Mr. Gibbs to retire now; I ask no indulgence for myself; all I ask is, that when the evidence for the prosecution is closed, your Lordship will allow us some time to bring this chaos of evidence into form, before we are called upon for our defence.

Mr. Garrow. We are disposed to do every thing that is reasonable for the accommodation of the prisoner's counsel, but we cannot make any promise on that point before-hand. I hope the Court will not be drawn into an answer to that hastily.

Lord Chief Justice. We are disposed to give every reasonable allowance that public justice will admit of. I said yesterday it would be quite impossible to set a precise time; we shall be able

to judge when the moment comes, in which it will be proper for you to make your defence. I will allow you as much indulgence as possible—in the mean time the counsel for the Crown may go on with their evidence.

Mr. Garrow. We will now read the answer which the last minutes speak of, as prepared by Mr. Frost to be sent to Birmingham.

Q. (To Maclean.) Did you find that paper at Mr. Adams's house?

A. Yes, I did.

(Read by the Clerk of the Court.)

" SIR,

16th April, 1794.

" We have to acknowledge, with great satisfaction, the letter which you favoured us with, dated the 5th instant, relative to the most desirable of all other objects, the reform of parliamentary representation. The honour you do us in supposing that we are better fitted than yourselves for the promotion of political knowledge we must disclaim, because we observe with the greatest pleasure that our country correspondents have too much zeal and information to want success in their public endeavours, whether at Norwich, at Sheffield, at Manchester, or elsewhere throughout the nation. In our sincerity for the good of our country we trust that we are all equal, and as such we doubt not of our ultimate success.

" We see, with sorrow, the existence of those evils which you so justly represent as the streams of corruption overflowing this once free and prosperous country. We see, with surprize and abhorrence, that men are to be found both able and willing to support those corruptions. It is, however, no small consolation to find that others are not wanting, in every point of the nation, of an opposite character, who are ready to remedy, by all laudable and honourable means, the defect in our representation, the usurped extension of the duration of parliaments, and other grievances, such as you notice in your letter.

" That the constitution of England has no more of that character it once possessed; that the supposed democracy of the country has become a matter of property and privilege; and that we have therefore no longer that mixed government which our adversaries are praising, when they know it is no longer in our possession, are facts notorious and indisputable. Where then are we to look for the remedy? To that parliament of which we complain, to the executive power, which is implicitly obeyed, if not anticipated, in that parliament; or to ourselves, represented in some meeting of delegates for the extensive purpose of reform, which we suppose you understand by the term *Convention*.

" It

" It is the end of each of these propositions that we ought to look to; and as success in a good cause must be the effect of perseverance, and the rising reason of the time, let us determine with coolness, but let us persevere with decision. As to a convention, we regard it as a plan the most desirable and most practicable, so soon as the great body of the people shall be courageous and virtuous enough to join us in the attempt.

" Hitherto we have no reason to believe that the moment is arrived for that purpose.—As to any petition to the Crown, we believe it hopeless in its consequences.—With respect to the last of your proposals, we are at a loss to advise. If the event is looked to in the vote which may be obtained from that body to whom this petition is to be addressed, which of us can look to it without the prospect of an absolute negative? in this point of view therefore it cannot require a moment's consideration. But if we regard the *policy* of such a petition, it may, in our apprehension, be well worth considering as a warning voice to our present legislators, and as a signal for imitation to the majority of the people. Should such a plan be vigorously and generally pursued, it would hold out a certainty to our fellow countrymen that we are not a handful of individuals unworthy of attention or consideration, who desire the restoration of the ancient liberties of England; but, on the contrary, it might bring into light that host of well-meaning men, who, in the different towns and counties of this realm, are silently but seriously anxious for reformation in the government.

" We exhort you, with anxiety, to pursue your laudable endeavours for the common good, and never to despair of the public cause.

" We are, &c.

" Signed by order, in the name of the Society for
" Constitutional Information,

" D. ADAMS, Secretary."

Mr. Garrow. I will now put in a letter, the original of which was found in the possession of the Secretary of the Norwich Society; it is a draft sent from the Norwich Society to the Constitutional Society for their approbation.

JAMES WALSH sworn—examined by Mr. GARROW.

Q. Did you go for the purpose of apprehending Mr. Saint, the Secretary of the Norwich Constitutional Society?

A. No, I did not. I was present when the warrant was executed.

Q. Did you see any papers seized?

A. I seized them myself.

Q. Did you put your name upon them?

A. Yes.

Q. In

Q. In his house ?

A. Yes.

Q. Is that one of them ? (*A paper shewn him.*)

A. I took this paper with others, in his house. It is addressed to Mr. J. Broughton, St. Mary's church, Strand.

Q. Can you prove the hand writing ?

A. I cannot.

(*The Clerk reads.*)

" At the meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, 25th of October, 1793, Present, Mr. Bryan in the chair, &c.

" Read a letter from Mr. Purser the Secretary to the Society for Constitutional Information at Coventry, accompanied with some addresses from the said society.

" Resolved, That the thanks of this society be returned to the Coventry society for their communication.

" Mr. Sinclair read a letter with an address from Mr. Skirving, secretary to the Convention of the Friends for the People, in Scotland, to Mr. Hardy the secretary to the London Corresponding Society.

" Resolved, That an extraordinary general meeting of this society be called for Monday next, at the Crown and Anchor Tavern, at six o'clock in the evening, to consider the utility and propriety of sending delegates to a convention of delegates of the different societies in Great Britain, to be held at Edinburgh, for the purpose of obtaining a parliamentary reform.

" Resolved, That the substance of the motion be inserted in the letter."

(*The Clerk reads.*)

" At an extraordinary general meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Monday, 28th of October, 1793. Present, Mr. Sinclair in the chair, &c.

" Read addresses to the Friends of the People for parliamentary reform, signed William Skirving, secretary to the general convention at Edinburgh.

" Resolved, That this society do send delegates to the ensuing convention to be held in Edinburgh, for promoting a reform in parliament.

" Resolved, That two members of this society be elected as delegates to the said convention.

" Resolved, That the secretary do deliver to the delegates appointed by this society, to represent them in the convention at Edinburgh, copies of the proceedings of the 25th and 28th instant, by which they are appointed to that office.

Qq

" Instructions

"Instructions to the delegates."

Mr. Garrow. It may be necessary to put in the original draft of those instructions in which there are material alterations.

Mr. Adams called in again.

Mr. Garrow. Look at that (*a paper shewn*) and see if the signature is yours.

A. Yes, it has my name on it amongst others.

Q. In whose hand writing is the letter itself?

A. It is my own, all of it except the names of the messengers.

Q. Be so good as look if this is the draft of the instructions, originally prepared for the delegates, and, from which your entry was afterwards made?

A. I cannot take upon me to say, from the length of time.

Q. It was found among your papers, we have heard?

A. Yes.

Q. Look at it and see what it purports to be, what do you take it to be?

A. I should not know, but there is my own hand writing at the bottom. Otherwise I should not recollect it at all.

Q. (*Looking at it.*) Do you believe it to be an original minute prepared to be transferred into the book of the society? Does it appear to be such an original minute?

A. It appears this paper was what I should transcribe, but it has so many interlineations since, that I cannot speak to it.

Mr. Erskine. Can you tell how it came interlined?

A. I cannot.

Q. Or whether you wrote another copy, that being interlined?

A. I cannot say that.

Mr. Garrow. If you see it agreeable to these corrections, would you not believe it then?

Lord President. That is reasoning him into a belief. He does swear that this is a rough draught.

Q. (*To witness.*) You don't know any of the interlineations?

A. I do not.

Q. You know the paper, for there is your own hand writing?

A. There is.

Mr. Garrow. What I propose to do is, as the fair copy is read, to point out to your Lordship, how it stood before these alterations.

It stood originally, Instructions to the delegates, "the delegates were instructed, on the part of this society, to assist in bringing forward a petition or petitions to the House of Commons, for the purpose of procuring an enquiry in the said house, in the state of the representation of the subjects of Great Britain

tain in parliament." That is now struck out, I will now read it as it stands at present.

(The Clerk reads.)

"The delegates are instructed on the part of this society to assist in bringing forward and supporting any constitutional measures for procuring a real representation of the commons of Great Britain in parliament.

"That in specifying the redress to be demanded of existing abuses the delegates ought never to loose sight of the two essential principles, general suffrage and annual representation, together with the unalienable right in the people to reform, and that a reasonable and known compensation ought to be made to the representatives of the nation by a national contribution."

Mr. Garrow. It stood before "that they shall also demand in such petition or petitions a specific remedy for the past, present, and possible abuses in the present system of representation, and an avowal of the right of internal reform; that in specifying the principles upon which redress ought to be demanded, the delegates had particular relation to these expressed in Mr. Pitt's speeches before he was a placeman, in the Duke of Richmond's letter to Colonel Sharman before he was a minister, and Mr. Flood's speech upon his motion for a reform in parliament, but, above all, in the constitutional strictures contained in the defence of John Horne Tooke, at the suit of Charles James Fox, in an action for debt; and that the delegates do demand a right of voting for members of parliament in favour of all persons, not infants, paupers, lunatics, placemen or pensioners, and not incapacitated by crimes, and the voting ought only to be in places and districts of the residence of the voters; that the time of election ought to be short, and the collection of votes be made in as many different places in a district, immediately as may be convenient, or accurately taken, and at one and the same time; and essentially, and above all, the parliament ought to be annual."

(The Clerk reads.)

"That the delegates do punctually correspond with the society for the purpose of communication, information, and of receiving such further instructions as the exigency may require.

"Resolved, That the above be the direction to the delegates.

"Resolved, That seven guineas be allowed to each of the delegates for travelling, and a sum not exceeding three guineas per week, each, be allowed to them during the sitting of the convention of delegates; and that a subscription be now opened for that purpose, and that the secretary be requested to forward the same.

"Resolved, that the proceedings of Friday the 25th, and

Monday 28th of October, 1793, be signed by the chairman and secretary.

" Resolved, That the secretary be requested to write to the different societies with which this society is in correspondence, informing them that the London Corresponding Society, together with this society, have elected delegates to the convention of delegates to meet at Edinburgh, on the 29th instant, and to request their concurrence in this important measure."

Mr. Garrow. We will pass over the meeting of the 6th of December, and come to the 17th of January.

(The Clerk reads.)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, 17th of January, 1794, Present, Mr. John Horne Tooke in the chair, &c.

" Resolved, That law ceases to be an object of obedience whenever it becomes an instrument of oppression.

" Resolved, That we recall to mind, with the deepest satisfaction, the merited fate of the infamous Jeffries, once Lord Chief Justice of England, who, at the æra of the glorious revolution, for the many iniquitous sentences which he had passed, was torn to pieces by a brave and injured people.

" Resolved, That those who imitate his example deserve his fate."

" *Mr. Tooke having left the chair, Mr. Gerald was called to it.*

" Resolved, That the Tweed, though it may divide countries, ought not and does not make a separation between those principles of common severity in which Englishmen and Scotsmen are equally interested, that injustice in Scotland is injustice in England, and that the safety of Englishmen is endangered whenever their brethren of Scotland, for a conduct which entitles them to the approbation of all wise and the support of all brave men, are sentenced to Botany Bay, a punishment hitherto inflicted only on felons.

" Resolved, That we see with regret, but we see without fear, that the period is fast approaching when the liberties of Britons must depend not upon reason, to which they have long appealed, nor on their powers of expressing it, but on their firm and undaunted resolution to oppose tyranny by the same means by which it is exercised.

" Resolved, That we approve of the conduct of the British Convention, who, though assailed by force, have not been answered by argument; and who, unlike the members of a certain assembly, have no interest, distinct from the common body of the people.

" Resolved, That a copy of the above resolutions be transmitted

mitted to citizen William Skirving, secretary to the British Convention, who is now imprisoned under colour of law, in the Tolbooth of Edinburgh.

" Resolved, That the resolutions now passed, be published in the newspapers.

" Resolved, That the resolutions now passed, be signed by the chairman and secretary.

" Read a letter from Mr. Hardy, secretary to the London Corresponding Society."

Mr. Garrow. That letter of Mr. Hardy's was read this morning, stating an anniversary dinner at the Crown and Anchor Tavern, on the 20th of January.

Mr. Erskine. Yes, that was read this morning.

(*The Clerk reads.*)

" At a meeting of the society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday 24th January, 1794, present Mr. John Pierfon in the chair, &c.

" A motion was made, that it be resolved that the *most excellent* address of the London Corresponding Society be inserted in the books of this Society, and that the King's Speech to *his* parliament be inserted *under* it, in order that they may be both always ready for the perpetual reference of the members of this society during the continuance of the present *unfortunate* war; and that (*in perpetuam rei memoriam*) they may be printed together in one sheet, at the *happy* conclusion of it; which happy conclusion, according to the present prosperous appearances, we hope and believe not to be many months distant.

" An amendment was moved, that between the words (*his*) and (*Parliament*) the word (*honourable*) should be inserted. *Honourable* was withdrawn, and another amendment was then moved, that between the words (*his*) and (*parliament*) the word (*faithful*) should be inserted, *faithful* was withdrawn.

" And it was unanimously resolved, that *his* and *his* only is the proper epithet for parliament upon the present occasion.

" The resolution then passed unanimously in its original form.

" Resolved, That the London Corresponding Society have deserved well of the country.

" Resolved, That the Secretary be ordered to cause 40,000 copies of the address, the speech, and these resolutions to be printed in one sheet and properly distributed in England, Ireland, and Scotland.

" Resolved, That the thanks of this society be given to Earl Stanhope, for endeavouring to put a stop to the present unfortunate war.

" Resolved

" Resolved, That these resolutions be published in the newspapers."

(*Mr. White reads.*)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, 7th February, 1794, present Dr. Kentish in the chair, &c.

" Ordered, That a copy of the resolutions passed at the meeting, 24th January last, be sent to the Edinburgh Gazetteer, for insertion, together with a copy of the several resolutions received by this society, from the London Corresponding Society.

" It was then moved, that a circular letter be sent to each section of this society, requesting their assistance for the fund subscribed for them imprisoned at Edinburgh.

" Resolved, That the Secretary be desired to write the said letter."

(*The Clerk reads.*)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, 7th March, 1794, Mr. Frost in the chair.

" Mr. Tooke gave notice that he would, at the next meeting of this Society, move, that two books should be opened, one of them bound in black, in which shall be entered all the enormities of those who deserve the censure; and in the other, the merits of those who deserve the gratitude of the society."

(*The Clerk reads.*)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, 28th March, 1794, Mr. John Pierfon in the chair.

" Read a letter from the London Corresponding Society.

" Resolved, That the same be entered on the books of the Society, (*See the Letter and Resolutions thereon, pages 151, 152, and 153 of this work.*)

" Resolved, That it is fit and proper, and the duty of this society, to send an answer to the London Corresponding Society. Ordered, that the Secretary acquaint the London Corresponding Society, that we have received their communication, and heartily concur with them in the objects they have in view, and that for the purpose of a more speedy and effectual co-operation, we invite them to send to this society, next Friday evening, a delegation of some of their members."

(*The Clerk reads.*)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, 4th April, 1794, Mr. Simmons in the chair.

" Read a letter from the committee of the London Corresponding

sponding Society, acquainting this society, that they had deputed John Baxter, John Thelwall, Richard Hodgson, Matthew Moore, John Richter, and John Lovett, to hold a conference with the members of this society. Five persons, Mr. Moore, Mr. Hodgson, Mr. Thelwall, Mr. Lovett, and Mr. Baxter, attended from the London Corresponding Society.

"Resolved, That a delegation of five members of this Society be appointed to meet the members deputed by the London Corresponding Society.

"Resolved, That this deputation do confer with the deputies of the London Corresponding Society.

"Resolved, That there be appointed a Committee of Correspondence of the members of this Society.

"Ordered Mr. Joyce, Mr. Pierfon, Mr. Bonney, Mr. Sharpe, and Mr. Tooke, do compose the Committee."

(The Clerk reads)

"At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, 11th April, 1794, present Mr. Tooke, Mr. Joyce, &c. made a report of the delegates of the London Corresponding Society, for the purpose of this society co-operating with the London Corresponding Society, and that they had come to the following resolutions:

"Resolved, That it appears to this committee very desirable, that a general meeting or convention of the friends of liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people.

"Resolved, That it is recommended to the Society for Constitutional Information, and the London Corresponding Society, to institute a regular and pressing correspondence with all those parts of the country where such measures may be likely to be promoted, not only to instigate the societies already formed, but to endeavour also to produce such other associations as may further the general object.

"Resolved, That it appears to this committee that the general object will be much promoted if a standing committee of co-operation between the two societies were established, for the purpose of holding personal communication with such members of similar societies in other parts of the country as may occasionally be in London, and who may be authorised by their respective societies to act with such committees.

"Read the following letter from the society to the London Corresponding Society, April 10, 1794.

"CITIZENS,

"I am ordered by the committee of delegates of the London Corresponding Society to inform the Society for Constitutional Informa-

Information, that they approve of the resolutions of the committee of conference.

" Therefore, the London Corresponding Society have chosen (five persons) to put in practice immediately the second and third resolutions of that committee.

" (Signed) THOMAS HARDY, Secretary.

" Addressed to Mr. D. Adams, Secretary to the Society for Constitutional Information."

" Resolved, That the report of the committee of delegates from the London Corresponding Society, and of this society, be entered on the books of this society.

" Resolved, That it appears to this society, very desirable, that a general meeting of the friends of liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people.

" Resolved, That it appears to this society, that the general object will be much promoted if a standing committee of co-operation were established, for the purpose of holding personal communication with such members of similar societies in other parts of the country as may occasionally be in London, and who may be authorized by their respective societies to act with such committees.

" Resolved, That the committee of correspondence, already appointed by this society, be the committee of co-operation and communication with the committees of other societies.

" Ordered, That the Secretary be desired to send a letter to the London Corresponding Society, acquainting them with the members of this society appointed to confer with them.

" Resolved, That Mr. Joyce be requested to accept of the office of Secretary to the Committee of Correspondence.

" Mr. Joyce being present, accepted of the said office."

(The Clerk reads.)

" At a meeting of the society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, May 9, 1794, Present, Mr. Wardle in the chair, &c."

Mr. Garrow. This is merely introductory to the proof of some letters, which I shall put in by and by.

(The Clerk continues reading.)

" Read a pamphlet, containing certain proceedings of the London Corresponding Society, and of this Society.

" Resolved, That two thousand of the same be printed by this society."

Q. (To Maclean) Look at this, and see if you found it among Mr. Adams's papers?

A. Yes, I did.

Mr. Garrow. This is one of the pamphlets which the last resolution

solution directed the publication of, and which was found in the possession of Mr. Adams, secretary to that society; it is a letter from the London Corresponding to the Constitutional Society, with their resolutions enclosed.

Mr. Erskine. Those things having been already read, I should be sorry to insist upon the Court and Jury hearing it again, but at the same time, when the context is forgotten, I cannot tell; but, though your Lordship and I may have a recollection of it, the Jury may not. When you read things detached, it gives different ideas.

(The Letter of the 27th of March, 1794, was then again read, as before inserted, and the resolutions thereupon.)

Then it is resolved, at that meeting, to send an address to Messrs. Muir, Palmer, Margarot, and Gerald; in which they informed them, "Though they had been so long silent, still it had not proceeded from unconcern at their situation, for they had marked their enemies with honest indignity, and that they should have attained to a full and fair representation of the people, for which they were prepared to act with magnanimity, they would again receive them on the British shore."

There was also read two answers to the above address, directed to the Constitutional Society from Palmer, Skirving, and Muir.

Lord President. I am sorry at the close of the second day, to be in the situation that we are; I cannot think of detaining you all night without refreshment.

One of the Jury. My Lord, the refreshment we stand in need of does not depend upon meat and drink: it is impossible for us to remain in the situation in which we were last night: my Lord, we are very sensible of your goodness, but we beg leave to inform your Lordship, that the accommodation of the place is so bad, we must represent our situation: We have been forty hours without taking off our clothes, we want rest; it is necessary to the preservation of our health, even to enable us to go on with the trial; we intreat, therefore, that we may be permitted to go home?

Mr. Erskine. I am very willing that the gentlemen should go home, at all hazards, taking their word of honour that they will not be approached by any one upon this cause; I am certainly ready to admit that they should go home on the part of the prisoner. The gentlemen have said, they have been forty hours in their clothes, and feel an inconvenience from it, and my case is not yet commenced, which will take not only an equal length of time, but a greater, if it is necessary; and not time merely but an equal attention, which requires a firmness of mind,

which firmness of mind can only be preserved by a strength of body, in order to enable my Lord and Jury to attend to it; the case is now to parole evidence, which will take up a deal of time to-morrow. I must be prepared, undoubtedly, whenever your Lordship calls upon me; all that I can say, is, that I am ready to do whatever is most convenient to the administration of justice and the Court.

Mr. Garrow. The observation my learned friend is now making, was made yesterday; it cannot be supposed that my learned friend, or any body else, wishes to be understood, that on the part of the prisoner there is a greater disposition to engage in this most arduous proceeding, than in those who are charged with this prosecution on the part of the public. My Lord, the dispersion of the Jury does not rest with us, but it was discussed upon constitutional ground: the subject discussed yesterday does not depend on us, whether we are to give or withhold an assent to the dispersion of the Jury; but it was considered on the grounds of the law and constitution; it is much to be lamented that the gentlemen should be ill-provided for; no intimation of the renewal of the suggestion on the part of the prisoner, had been intimated in the course of the day. I, for one, feel myself very unfortunate, I thought it my duty to insist upon the learned gentleman withdrawing, who has been charged with the care of this prosecution, and whose most extraordinary exertions, yesterday, were witnessed by the Court; I feel myself, therefore, embarrassed upon the subject; I have no difficulty, however, in saying this, that my learned friend cannot go one step beyond me, or my learned leader, the Attorney General, in the sense they entertain, that this Jury, if they should be permitted to depart, that is, if the law should permit them to depart, may be most safely entrusted here, any where, at any distance, for any length of time; if the Court feel that they can with security do it, if the Court feel that not only guarding against all wilful attempts towards a mis-trial, which I do not suspect on the part of the Jury, but guarding against accidents which may befall any man, under the circumstances of leaving this place, if the Court feel they can do it, I have no objection; I am just as ready to consent to what may be legally and safely done for the accommodation of the gentlemen of the Jury, as my learned friend, or any man can be.

Mr. Erskine. I believe that nothing that fell from me can bear any thing like an attack on Mr. Attorney-General.

Mr. Garrow replied, it was true, he had not, but he had a right to manifest his attentions.

Lord President. You only add to the uneasiness in our minds by such conversation. This subject was discussed yesterday, and we

we have all the disposition to do every thing in the world for the accommodation of the Jury. There were then solid, serious doubts arose, or rather it was the opinion of the Judges, that they could not safely permit the Jury to separate; that being so, all they could do was to make it their particular request, and I am persuaded the Sheriff went so far as he could toward their accommodation, and I would do all in my power for them.

One of the Jury. My Lord, it is not possible under this roof, there is not that accommodation which we want, namely, beds; we were last night all in one room upon matresses, where it was impossible we could get rest.

Lord President. Is there any house in the neighbourhood where they can get beds?

The London coffee-house was then mentioned.—It was said, that house was engaged and filled with witnesses for the Crown. The York Hotel in Bridge-street was mentioned; and, at length, it was suggested that at the Hummums in Covent-garden, they might all be accommodated with separate rooms and beds, and the Sheriffs undertook to conduct them thither, and three bailiffs were sworn to keep them in custody, which they did in three coaches.

A Jurymen said, that the officers appointed the night before had taken such especial care, that they could not even get shaved; they had not suffered a razor to approach them.

The Lord President said, that if a razor did find its way among them, he should not ask how it came there.

A short conversation took place about the time necessary to be given Mr. Erskine to look over the mass of evidence which had been adduced by the Crown; and, after some altercation, in which Mr. Erskine said he desired no favour, he only wished for the course the most likely to further public justice, it was agreed to adjourn to eleven o'clock the next day.

[End of the Second Day.]

THURSDAY MORNING, OCTOBER, 30, 1794.

The Court met at eleven o'clock,

P R E S E N T,

THE LORD CHIEF JUSTICE, LORD PRESIDENT;

THE LORD CHIEF BARON, | MR. JUSTICE BULLER,
MR. BARON HOTHAM, | MR. JUSTICE GROSE.

Mr. Attorney General. I am now going to produce to your Lordship some papers found in the possession of the prisoner at the bar, as far back as the 30th of April, 1792; by which it will appear that the prisoner, Mr. Margarot, Mr. Martin, Mr. Richter, and Mr. Vaughan, were at that time chosen delegates of the London Corresponding Society; and Mr. Vaughan, and one or two others were appointed to draw up the constitution of the society. And I shall then call some witnesses to prove, that Mr. Hardy desired that constitution to be drawn up.

JOHN GURNELL, sworn.

Mr. Attorney General. Look at these papers (*some papers shewn him*) where did you find them?

A. In Mr. Hardy's possession.

(*Read by the Clerk of the Court.*)

Dated Monday 30th April, 1792. "London Corresponding Society, Division, No. 7. Held at the sign of the Coach and Horses, Lincolns-Inn Fields; James Sheriff in the chair.

"Resolved unanimously, That Maurice Margarot be appointed our delegate to the standing committee of the several divisions of the Corresponding Society; and that the said delegate shall continue in office during the space of three months to this day.

"That this resolution be signed by the chairman, and transmitted to the president of the committee. Signed by order, James Sheriff, Chairman."

Q. (*To Gurnell*) Did you find this at Mr. Hardy's? (*a paper shewn him.*)

A. I did.

(*Read by the Clerk of the Court.*)

"To the delegates of the London Corresponding Society, at a meeting of the second branch of the aforesaid society, held at the Blue Posts, in the Hay-Market, Mr. Macneil in the chair. It was unanimously resolved,

1st "The proceedings is to go by rotation.

2d. "That David Rowland was unanimously elected secretary.

3d. "Mr. Martin was unanimously elected delegate for this society, for three months from the date hereof. By order of the society. April 30, 1792, D. Rowland, Secretary."

(*Mr.*

(*Mr. Lauzun called in.*)

Mr. Attorney General. Did you find that paper any where?
(*a paper shewn him.*)

A. I found it in Mr. Hardy's house.

(*The Clerk reads.*)

November 5, 1792. "This is to certify, that the division No. 16, of the London Corresponding Society, have chosen John Baxter, our delegate. Edward Jones, chairman, E. Gray, secretary."

Q. Did you ever see that before? (*a paper shewn him.*)

A. Yes.

Q. Where did you find it?

A. In Mr. Hardy's house.

(*The Clerk reads.*)

Dated Thursday, 8th November, 1792. "On an application being made to the committee of delegates, of the London Corresponding Society, by John Richter, of division No. 6, for leave to institute a division of this society, in the neighbourhood of Knightsbridge. He is hereby authorized to do so in the course of next week, and make the division No. 19, of the London Corresponding Society. Signed, John Martin, chairman, Thomas Hardy, secretary.

"This is to certify, that John Richter is appointed delegate to the Corresponding Society of this 19th division. This first meeting in Knightsbridge, this 16th of Nov. 1792."

Q. (*To Gurnell.*) Where did you find this paper? (*a paper shewn him.*)

A. In Mr. Hardy's house.

(*The Clerk reads.*)

Dated 7th May, 1792. "Mr. Hardy, the bearer of this, is delegated by the division of the London Corresponding Society, which meets at the Bell, Exeter-street, Strand, and is authorised to assist at the committee, appointed to form a constitutional code of laws, for the government of the London Corresponding society. (Signed,) Robert Boyd."

Q. (*To Gurnell.*) Where did you find that paper, Mr. Gurnell? (*a paper shewn him.*)

A. In Mr. Hardy's house.

(*The Clerk reads.*)

Dated 30th of April, 1792. "Mr. Vaughan, the bearer of this, is delegated by the division of the London Corresponding Society, which meets at the Bell, Exeter-street, Strand; and is authorised to assist at the committee, appointed to form a constitutional code of laws, for the government of the London Corresponding Society. (Signed,) T. Hardy."

Q. Look at this paper, did you ever see it before? (*a paper shewn him.*)

A. Yes.

A. Yes.

Q. Where did you find it?

A. In Mr. Hardy's house.

(The Clerk reads.)

Dated April 3, 1792. No. 4, Taylor's-Buildings, Chandos-street, Signed, Thomas Hardy. Addressed to Mr. Vaughan.

"SIR,

"I take the liberty to send you a few of the original papers for your perusal, this afternoon; if you see any thing in them worthy adopting for the approbation of the delegates to-morrow evening. Some of them are sweet flowers, and I hope you will be like the bee, draw a little from each; I wish you, if you see any propriety in it, to copy part of the preamble, that part that mentions the number of inhabitants, in each of those populous towns, that have not a single voice in chusing a member to represent them. I am sure it would have a good effect on the public; and likewise the rotten boroughs in Cornwall. When these papers were read in our society, in its infant state, (but by the by it is scarcely out of leading-strings now, but shall not a doubt remain with us), they were fired with indignation at such an injustice and unequal representation. Many never heard of any such thing. If our society was so affected by the same way of reasoning, tens of thousands of the people of this nation would be equally so, if they were informed of the existence of those evils. Thus some of them, in my opinion, are the most clear things that can be exhibited to the public. Excuse me for taking such liberty with you.

"I remain, Sir,

"Yours and the Society's zealous friend,

"THOMAS HARDY."

Q. (To Lauzun) Did you ever see that paper before?

A. Yes, in Mr. Hardy's house.

(Read by the Clerk of the Court.)

The Report of the Committee of Constitution of the London Corresponding Society. Printed for the use of the members. Sold by Thomas Spence.

"Knowing from experience, that those who (through the depraved state of what should be the representative body) are suffered to prey on the vitals of our country, derive the principal part of their success in opposing an equal representation, from the active circulation of falsehood respecting this and other similar societies, we think it adviseable that you should give an explicit declaration of your principles and wishes, which we conceive to be as follow:

1. "That all men are by nature free, equal, and independent of each other.

"2. That

2. " That to enjoy all the advantages of civil society it is not necessary that individuals should relinquish more of their natural independence than is required to fulfil this injunction.

" Let the minority yield a friendly submission to the majority.

3. " That no majority, however great, can justly deprive the minority of any part of their civil rights:—wherever it is attempted the social bond is broken, and the minority have a right to resist.

4. " The civil rights of every individual are, equality of voice in the making of laws, and in the choice of persons by whom those laws are to be administered;—equality before the law, whether in claiming its protection or submitting to its sentence; freedom to publish his opinions, to exercise his religious worship without molestation or restriction, and to enjoy his property, subject only to such contributions as may be impartially levied for the good of the public service.

5. " Submission to any measure does not imply silence as to the propriety or impropriety thereof.

6. " Every power entrusted to a magistrate implies a responsibility for the exercise of that power.

7. " The foregoing are not new, but are the original principles of English government.

8. " The total departure from the principle of equality in the election of the legislative body, commonly called the House of Commons, is the chief cause why the people of Great-Britain are now deprived of the benefit of the foregoing principles, and in place thereof labour under a continued system of extortion and monopoly.

9. " *Corn Act*—is a grievance immediately resulting from the restriction of the choice of representatives to men of landed property; by it the price of bread in general is doubled, and sometimes much more than doubled; for whenever this country happens to be blessed with an abundant season, a part of the taxes, under which we groan, is applied to encourage the exportation and advance the price of corn. Thus we pay one tax to government, to give the landed man an opportunity of laying on another. The hackneyed pretence for this act is "the welfare of the farmer." The real intention of it is, to enable the monopolizers of farms to pay enormous rents.

10. " *Game Laws*—Though too evidently calculated to disarm the nation, may in general be attributed to the same restriction;—by them even the farmer, on whose property the game is fed, is robbed of every constitutional right of a Briton, and subjected to the brutality of a bashaw in the form of a country Justice, from whom there is no appeal.

11. " *Excise*

11. "*Excise Laws, and Stamp Duties*, (and the consequent system of spies and informers) equally repugnant to the professed principles of the constitution, and most extensive in their oppression, are often introduced merely as engines of corporation influence; for in some instances the produce of the tax does not pay the expence of collection; were the sense of the nation fairly taken, it is impossible to believe but whatever sum might be necessary for the public service it would be raised by means less obnoxious and less expensive.

12. "*The Mutiny Act*—Which would never have existed, had not the bulk of the people been excluded from representation. It reflects a charge of hypocrisy on those who affect to bewail the late events in France, yet calmly view the defenders of their country subjected to every species of fraud, insult, and cruelty. The military excellence of true republicans in all ages proves it to be unnecessary. Convince a Briton that he is about to fight for a country in which his rights are daily consulted, and the cat of nine tails may be burnt by the hands of the common hangman.

13. "*The Impress Service*—Equally cruel with the foregoing, is another effect of a partial representation; it has lately been proved, that the expence of this service, if applied to increase the seamen's pay, would render impressing unnecessary; but it is more consistent with the government of a faction to distribute the sum among the officers of corporations.

14. "The ill effects of partial representation are not confined to men in private stations; we challenge contradiction when we assert, that, in general, promotion, whether in the army, navy, or church, is the effect of parliamentary connection, and the reward of parliamentary prostitution.

15. "We cannot entertain a doubt that the foregoing statement of grievances will be admitted as just by our countrymen at large; and also that an equal representation by universal and annual suffrage would tend immediately to redress them. It remains to prove that the difficulties said to attend such a scheme are merely the chimerical inventions of interested men.

16. "Let us suppose all partial corporations, (those badges of slavery) abolished; and consider the whole island as one corporation divided into counties or cities, for the purposes of embodying and exercising militia, &c. and for electing representatives, subdivided into districts, or townships, as nearly as convenient in equal proportion to the number of inhabitants.

17. "Allow to each district or township, one representative, and let it be subdivided into parishes, and every man entitled to a vote, be registered in the parish in which he resides. Large parishes may be subdivided into wards, or hamlets.

18. "Let

18. " Let every voter give his vote in the parish in which he resides, let the votes be brought in writing, and called for in succession, either alphabetically by the names of the voters, or numerically by the wards and number of houses; either of these methods would prevent that source of riot, the practice of voting in party groups.

19. " The truth of entry of every individual vote in each parish would easily be examined, and the totals of the several parishes in each district so easily collected, that we scruple not to assert a general election might be decided with indisputable certainty in twelve hours.

20. " In saying the whole island should be considered as one corporation, we do not wish to be understood as recommending that districts should chuse their representatives from distant parts. On the contrary, we think the representative should always be a resident of the district, as his character would be better known to his constituents. Hearsay characters are seldom any other than the blazonings of faction.

21. " It is indispensible to good government, that representatives should be paid for their service to the public. The want of open and honorable reward, retards the exertion of laudable characters, and subjects the nation to the fraudulent and delusive practices of mock patriots.

22. " To those who are convinced of the propriety of the foregoing ideas, and only ask, how shall we attain the practice of them? We answer, *associate*. By so doing, you will better correct and strengthen each others opinion on the subject of liberty, and eventually abash the tools of corrupt influence, and lawless power. Effects which are not to be expected from the vague and desultory exertion of individual opinions.

" Having thus stated what we conceive to be the sentiments of the society, we recommend that the members shall meet in divisions, consisting as nearly as convenient of thirty members each, and that the management of its affairs be vested in one committee of delegates, one select committee, and one council, subject to reference to the divisions, and trial by jury, as more particularly defined in the following sections.

" SECTION I. *Form of admission and duty of a Member.*

1. " Each candidate for admission into this society, shall be proposed by a member, who shall either belong to the division in which the proposal is made, or be personally known as a member of the society to two members of such division.

2. " The secretary shall enter the age, name, residence, and occupation of the candidate, together with the proposer's name, and number, in the minute book of the division, and the president shall put the following question to the proposer,

S s

" Are

"Are you well acquainted with the candidate you propose, with his means of life, and his political principles, and are you well assured that his general character is such as will not be disgraceful to this society?"

3. "If the proposer shall answer the foregoing question in the affirmative, the president shall demand of the division, whether any member has any objection to the candidate.

4. "If no objection satisfactory to the division shall be made, the president shall put the following questions to the candidate.

"Are you convinced that every man who has attained to years of discretion, is in possession of his reason, and not disqualified by crimes, ought to have a vote for a representative, and not more than one vote?"

"Are you convinced that the representation ought to be divided as nearly as possible in proportion to the number of electors?"

"Are you convinced that the election of representatives of the people ought to be annual?"

"Will you by all justifiable means endeavour to promote a reform in the parliament of this country, agreeable to the principles which you have now professed?"

5. "The candidate having answered the foregoing questions in the affirmative, shall be declared a member, and shall receive a ticket on which shall be indorsed his name, and time to which his contribution is paid. And another ticket on which shall be written in large figures, the number of his division, and beneath that, his own number in the division."

Mr. Attorney General. Under the article, order, read No. 6 and 7.

6. "No member shall be allowed to stile himself, or any other by any party names, &c. whether intended to convey respect or disrespect.

7. "All political appellations which do not in their immediate interpretation, convey an idea of political sentiment or situation, are party names. The following do not fall under this objection, as will appear by their explanations.

Republican.—"One who wishes to promote the general well-fare of his country.

Democrat.—"A supporter of the rights and power of the people.

Aristocrat.—"One who wishes to promote the interest of a few, at the expence of many.

Royalist.—"Among the ignorant part of mankind, signifies a person attached to regal government: among artful courtiers, it is a veil for their own aristocracy.

Loyalist.—"A supporter of the constitution of his country.

Citizen.—

Citizen.—"The ancient appellation given to the members of free states.

Subject.—"Can only with propriety be applied to a member of a state, whose government has been instituted by foreign conquest or the prevalence of a domestic faction.

"SECTION II. *The Organization and Power of a Division.*

1. "Each division shall meet once in a week, on any evening in the week except Thursday and Sunday.

2. "The hour and place of meeting shall be at the convenience of each division, but must be announced to the constituted bodies.

3. "Each division shall elect from its own members, a president, vice-president, secretary, assistant secretary, delegate, and sub-delegate.

4. "Each division shall be furnished with three books, (viz.) one to bear the number of the division; a similar book to be called the supernumerary book of the same division; and a third for entering minutes.

5. "No division book shall contain more than thirty effective names,—subject to variation as hereafter mentioned.

6. "Members admitted after the division shall amount to thirty, shall be entered in the supernumerary book, but not before.

7. "As soon as the members entered in the supernumerary book shall amount to sixteen, they shall be entitled to a number as a new division. They shall determine the time and place of their future meeting; they shall receive a supernumerary book, and a minute book, and a new supernumerary book shall be delivered to the original division.

8. "Members entered in any supernumerary book while less than sixteen, shall be entitled to vote, and in every respect be considered as members of the division to which such supernumerary book shall belong.

9. "No new member shall have a vote the same sitting in which he is admitted; nor transferred member the same sitting in which he is transferred.

10. "Each division shall be allowed one shilling and sixpence for rent, furniture, &c.

11. "Every member shall have liberty to introduce one stranger, provided such member shall answer that the sentiments of the stranger are similar to ours, and the same stranger shall not be introduced more than twice, except for the purpose of admission as a member.

No. 23. "In case of persecution, and that the means provided by the 7th, 8th, and 9th Sections of this Constitution, should not produce the effect of re-establishing a representative

body of this society for two weeks successively, every division shall have power to elect four persons whose powers shall be the same as the four officers of the committee of delegates.

24. "The sole object of those four persons shall be the re-establishment of the representative body, and they shall report progress weekly, and be weekly subject to revocation."

Mr. Attorney General. Then the paper goes on to the committee of delegates.

(The Clerk of the Court reads.)

"SECTION VII. *The Committee of Delegates.*

1. "The committee of delegates is the representative and legislative body of this society.

2. "Their duty is indivisible, and the representation shall not be impaired by any appointment, either of themselves collectively, or of any other constituted body, which may subject the members thereof to be absent from their meeting, or to be parties concerned in any subject under their discussion.

3. "Not less than three-fourths of their whole number shall be a quorum, except in the case of persecution.

4. "There shall be no disparity or dissimilitude between the members, by offices of presidency, or secretaryship."

Mr. Attorney General. Go to the 14th and then to 21.

(The Clerk of the Court reads.)

14. "The duty of the committee of delegates is to direct the conduct of the executive powers in all matters which do not require secrecy or expedition.

21. "If the executive powers, for the purpose of obtaining their approbation, shall communicate any thing which a majority of the delegates shall approve as necessary to be secretly done, the whole committee of delegates are bound to secrecy."

Mr. Attorney General. Go to section 8.

(The Clerk of the Court reads.)

"SECTION VIII. *The Select Committee.*

1. "Shall not exceed the whole, nor be less than half the number of the committee of delegates.

2. "Every individual member of this committee is the servant of the whole society, and not responsible to any particular division.

3. "They shall at their first institution be numbered by lot, from one to the number of their total.

4. "On the last Thursday in each month one third of them shall be put to the vote of the committee of delegates, either to be re-elected, or others appointed in their place,

"*Viz.*

"*Viz.* 1st Month, No. 1, 4, 7, 10, } and so on, adding three
 2d ditto, No. 2, 5, 8, 11, } to the last number.
 3d ditto, No. 3, 6, 9, 12, }

5. " No person shall be eligible who has not been a member of this society three months.

6. " No member shall be allowed to change his number.

7. " Their appointments of presidency or secretaryship shall be from their own members, and at their own discretion as to permanence.

8. " No member of this committee shall be admitted until he has answered the following question, which shall be put by the officers of the committee of delegates :

" Do you promise that you will not relinquish the station which you are about to take in this society on account of any persecution which may be brought on it ; that you will persevere in meeting the select committee, and to the utmost of your power encourage every other member of this society to fulfil the duty for his respective station ?

" Their office is,

1. " Preparatory, as they may be directed, either collectively, partially, or individually, by the committee of delegates or the council.

2. " Referential, as to any matter adopted by the committee, of delegates, or the council, or by both, which they may judge improper.

3. " All intended publications of this society shall, previous to being printed, undergo their collective examination.

4. " One third of their whole number shall be a quorum.

" SECTION IX. *The Councils.*

1. " Shall be composed of one treasurer, one principal secretary, and not less than four assistant secretaries.

2. " They shall be numbered from one to their total, and re-eligible at the same time, and in the same manner as the select committee.

3. " The treasurer shall, on the last Thursday in each calendar month, give to the committee of delegates, a monthly account of the total sum which he shall have received from each division, in the course of the instant month.

4. " He shall also give to the select committee at their meeting next before the last Thursday in March, June, September, and December, a quarterly account of all monies received by him on account of this society, and all disbursements.

5. " His quarterly account, with the remarks of the select committee, if any, shall be laid before the committee of delegates on the last Thursday in March, June, September, and December, to be by them examined and reported to the divisions.

6. " The

6. "The principal secretary shall record all laws which shall be made by this society, which shall be printed annually."

Mr. Attorney-General. Go on to the 13th and 14th.

(The Clerk of the Court reads.)

13. "Every member of the council shall be really acquainted with every transaction of this society, however secret.

14. "Each member of the council shall have a complete list of the members of every division of this society, with their residences, which list he shall deposit to the best of his judgment in a place of safety."

Mr. Attorney-General. Go on to Section 11.

(The Clerk of the Court reads.)

"SECTION XI. Of Accusation and Trial.

1. "If any member shall think another unworthy of being a member of this society, or that he has acted in any degree improperly, he shall offer his accusation in writing, signed by himself in the division of which the accused is a member.

2. "Every accusation shall state the law on which it is grounded.

3. "If the decision of the division shall be in the favour of the accused, the trial shall go no farther; if not, the accuser shall give a statement of the case in writing to the delegates of his own division, to be laid before the committee of delegates.

4. "No vote or resolution touching any matter of accusation shall pass in any division except that of the accused (as mentioned in the last article); nor in any of the constituted bodies.

5. "The delegates having received the case, shall elect four persons, not of their own body, nor of the division or divisions concerned to act as president, secretary, vice-president, and assistant-secretary, in the ensuing trial.

6. "They shall also issue notices to each division, except those of which the accuser or accused are members, mentioning the time and place of trial, and the four persons whom they have appointed to superintend it, and requiring each of them to return one jurymen.

7. "Each division shall return of its own members one jurymen by lot; but none of the four persons appointed to superintend the trial, nor any member of any constituted body shall be returnable.

8. "Every jurymen so drawn and failing to attend at the appointed time, shall forfeit two shillings and sixpence, except in case of sickness, as shall also each superintendant.

9. "The superintendants shall by lot take twelve names out of the whole number present, who shall be the Jury for that trial.

10. "The

10. " The accuser and the accused shall each be allowed one assistant at their own choice.

11. " The president shall read the accusation, and call on the accuser to produce his evidence.

12. " The evidence on the part of the accuser being closed, the accused may call his evidence.

13. " During the time each witness is giving his evidence he may be cross-examined by the jury, the president, the accused, the accuser, or either of their assistants.

14. " The evidence being closed, the accused and his assistant shall be allowed to comment on it, and make his defence ; but the cross-examination shall be deemed sufficient on the part of the accuser.

15. " If the president shall think proper, he may recapitulate the principal points of the evidence, and comment on them.

16. " The jury shall give their verdict in writing, signed by all their names.

17. " If the jury shall not within two hours agree that the accused is guilty, he shall be acquitted.

18. " The issue of the trial shall be reported to the committee of delegates, and by them to the divisions."

JANE CLIO RICKMAN sworn—examined by Mr. BOWER.

Q. You are the wife of Thomas Clio Rickman ?

A. Yes.

Q. What trade is your husband ?

A. A bookseller.

Q. Look at these books, and see who they appear to be printed by ?

A. They appear to be printed by my husband.

Q. Did you know Mr. Thomas Paine ?

A. Yes.

Q. During the time that these books were printing, where did Mr. Paine lodge.

A. I believe he was gone out of England at the time they were printed.

Q. Did he ever lodge at your house ?

A. Yes.

Q. At what time ?

A. From June to September, 1792.

Q. Did you ever see any of the sheets of that work, while that printing was going on ?

A. Yes, I have.

Q. Where did you see them ?

A. At our house.

Q. Your husband printed them ?

A. No, he is no printer.

Q. The

Q. They were brought to your house as they were printed off?

A. I cannot say, I did not see them printed.

Q. Did you ever see sheets brought to your husband's house?

A. Yes, proof sheets I have.

Q. Where they brought there while that was printing?

A. Yes, of the large edition; there were two editions.

Q. You say there were two editions?

A. Yes, a large edition, and one of a smaller.

Q. Upon these works there was expected to have been a profit?

A. Yes.

Q. And how was the profit to have been divided?

A. Mr. Paine told me that we were to receive the profit of one, it was to be divided between Symonds and my husband.

Q. Of which?

A. The smaller one.

Q. Who was to receive the profit of the larger one?

A. Mr. Paine.

Q. Was Mr. Paine at your house during the time that was published?

A. He was at our house during the printing of the large one; of the large one I saw some of the proofs make their appearance before he left England, but it was not published before he left England, neither of them.

Q. Do they appear to be printed for any body else besides your husband?

A. Yes, Mr. Symonds.

JANE CLIO RICKMAN—cross examined by Mr. ERSKINE.

Q. Do you mean to swear, that you know these were the books printed for Mr. Symonds and your husband; do you mean to swear that these are two of them?

A. To the best of my knowledge they are, I always understood so.

Q. Can you take upon yourself, on your oath, to say, that these were not printed by somebody else, who may have annexed your husband's name to them, or can you by the paper and type say, that they were printed for your husband and Symonds; you have never read the book through to see it is the same?

A. I know nothing about what it contains, that book came out of my shop, it has my writing on it.

Q. Neither do you know the shape of the letter, the type, or the paper?

A. I never saw them in that shape.

Q. Therefore you cannot speak to the identity of the book?

Q. Where had you these books from?

A. I sup-

A. I suppose I had them of Mr. Johnson.

Mr. Attorney-General. I shall certainly object to these kind of questions.

Mr. Erskine. I require, and I ask no more, that when this society or that society is attacked, they may be attacked by the same evidence, as they would be if we were in a trial for a libel.

Mr. Attorney-General. I have not yet shewn, that I wished to have any loose proof, but I am by no means willing to admit the proposition to the extent that you now state it.

THOMAS CLIO RICKMAN sworn—examined by Mr. BOWER.

Q. Did you print one or both of these books?

A. They were printed with my name.

Q. With your knowledge?

A. No, without my knowledge.

Q. How came they to be printed with your name?—How came you to know that they were printed so?

A. I never knew it at the time, till I was informed; I was then in the country.

Q. At what time did you learn that this book was printed with your name?

A. I think it was early in September, 1792.

Q. Did you make any application to any body, to know why they were printed with your name?

A. I did apply to Mr. Johnson.

Q. Be so good as to tell me, who were to have the profits of these books?

A. That I never heard but from my wife.

Q. Mr. Thomas Paine lodged at your house?

A. Yes.

Q. Did you ever see any of the sheets of these works, as the publication was going on?

A. No, not as they were going on.

Q. Were any proof sheets brought to you?

A. Never.

Q. Look at them now, and tell us, if they were the books you published?

A. My name was put to them.

Q. Did you ever sell any of them?

A. We have, many.

Mr. Attorney-General. Whose hand writing is that upon the outside of the book?

A. My wife's hand writing.

Mr. Erskine. Mrs. Rickman admitted that before; I asked her and she proved it.

Mr. Attorney-General. Did you look at the matter of that
T t book:

book : in the course of your profession, did you ever know any other book, entitled An Address to the Addressers ?

A. I never read any book under that title but this.

Q. Were you a member of the Constitutional Society ?

A. I was.

THOMAS CLIO RICKMAN, cross-examined by Mr. ERSKINE.

Q. You do not mean to say that you can take on yourself to swear that these are the two identical books ?

A. Certainly not.

Q. They may be exactly the same printed by others, with your name ; is there any thing about the paper, or the type, by which you can know them ; by which you can say they are the same ?

A. I know nothing of the paper or type. I know nothing about printing at all.

Mr. Attorney-General. Is that the book that you sold at your shop, as the Address to the Addressers, when such a book was asked for ? Look at the matter of it.

Mr. Erskine. I object to that.

Lord President. He must have knowledge enough of the book to be able to give an answer. It is sufficient if he is satisfied that this book contains the identical words that were commonly published under that title, nothing turns on an original or a copy. If you are sure it is a copy of the same book, it is the same as if it was the original.

Mr. Attorney-General. Suppose the Constitutional Society referred to Locke's Essay upon Human Understanding, how is it possible to indentify that book, without calling the bookseller to prove that that is the book he usually sells for Locke on the Human Understanding ?

Lord Chief Justice. Certainly so, with reference to the evidence. The contents of a book is very good evidence in my opinion.

Mr. Attorney-General. Is that a book you would sell for the Address to the Addressers ?

Court. Did you ever read it ?

Q. Do you know the contents ?

A. I have read the book.

Q. Then look and see by the contents of the book, whether you would sell that book as The Address to the Addressers ? If any body was to ask for such a book, I will have an answer to this if I make you read it through.

A. I certainly have read the Address to the Addressers.

Q. Look at the contents of it, and tell me if the contents are not the same as the Address to the Addressers, which you have read ?

A. I have

A. I have no doubt about its being the same, from the complexion of the book altogether.

Q. You have been told three or four times to look at the contents. Now look at the contents—looking at it now, have you any doubt that that is the Address to the Addressers?

A. I certainly have no doubt.

Mr. Erskine. You say you have no doubt but it is the same? Is the reason you speak so from the general appearance of the book, or is it from having a perfect recollection of every sentence in the book?

A. Not every sentence.

Q. Can you take upon yourself, upon your oath, to say, that is the very same word by word and letter by letter?

A. No, I cannot say that.

Mr. Attorney-General. Have you any doubt of it?

A. No.

Mr. Attorney-General. (to Mrs. Rickman.) Did not you mark them to be sold in your shop as books to sell?

A. They have my name on them.

Q. On what occasion were they marked?

A. I had them in my shop as books to sell, and I marked them on giving them to Mr. White.

Mr. Erskine. There is another consideration before the book is read, I understand the Court to be of opinion, and I am not disposed to argue it, that this book must be taken at present to be the letter Addressed to the Addressers on the Proclamation, by Thomas Paine. What I wish to know is, how it is proposed to make this book evidence in this case. I perfectly understand why the Rights of Man was taken to be so, because of the Corresponding Society having come to a resolution to circulate this book. I understand that there is no evidence as yet before the Court of any resolution of either of the societies to circulate this book, to recommend it or to read it.

Lord President. You had better hear how they state it.

Mr. Attorney-General. Your Lordship will give me leave to observe, that Mr. Paine is proved to have published the first part of the Rights of Man; the second part of the Rights of Man; the Letter to the French Nation, and I believe, a Letter to Mr. Dundas. I am not certain, as I was out of court yesterday morning, but I understand, Mr. Paine is also proved to be a member of the Constitutional Society. Rickman, who stands at the bar, and was the person in whose hands it was to be sold, is also proved to be a member of the Constitutional Society. Under these circumstances, I submit to your Lordship, that Mr. Paine and Mr. Rickman, both being members, what the one writes for publication, and the other says he gave him for publication, is evidence.

Lord President. I do not imagine that these facts, which are

so perfectly wide of the particular subject of this indictment, can possibly implicate them, so as to make what this book asserts evidence in the cause.

Mr. Attorney-General. If that is your Lordship's opinion, I will not press it further. I shall now produce a resolution for printing part of this in the *Argus*, and read that part of it which is printed in the *Argus*.

Lord President. You may read the whole if you wish to prove a resolution for printing or recommending a part of it; that alters the case widely.

Mr. Erskine. It may shew a knowledge of all, but it will not shew a publication of all.

Lord President. Certainly not.

Mr. Attorney-General. I will not trouble your Lordship with it in this trial.

Mr. Gurnell called in.

Mr. Attorney-General. I am now going to give evidence about arming.

Mr. Bower. (To Gurnell.) Where did you seize this paper?

A. In Mr. Hardy's house.

(The Clerk reads.)

Letter, dated Sheffield, 24th of April, 1794. Signed, Richard Davidson; and addressed Citizen Hardy, No. 9, Piccadilly London,

"FELLOW CITIZENS, Sheffield, April 24, 1794.

"The barefaced aristocracy of the present administration has made it necessary that we should be prepared to act on the defensive against any attack they may command their newly armed minions to make upon us. A plan has been hit upon, and if encouraged sufficiently, will, no doubt, have the effect of furnishing a quantity of pikes to the patriots; great enough to make them formidable. The blades are made of steel, tempered and polished after an approved form; they may be fixed into any shafts; but fir ones are recommended, of the girth of the accompanying hoops at the top end, and about an inch more at the bottom; the blades and hoops, more than which cannot be properly sent to any great distance, will be charged one shilling. Money to be sent with the order. As the institution is in its infancy, immediate encouragement is necessary.

Struck through in the original. { Orders may be sent to the secretary of the Sheffield Constitutional Society.

(Signed) "RICHARD DAVIDSON.

"To prevent post suspicion, direct to Mr. Robert Moody, China-square, Sheffield."

Mr. Attorney-

Mr. Attorney-General. (To the Clerk) Does there appear any thing struck out?

A. Yes; (*Orders may be sent to the secretary of the Sheffield Constitutional Society*) that is struck out.

Q. Then read what follows:

(*Reads.*)—"To prevent suspicion, &c. as before."

Mr. Attorney-General. Now read the letter that was inclosed.

Q. (To Gurnell) Did you find this letter in Mr. Hardy's possession?

A. Yes.

(*The Clerk reads.*)

A letter without a date, directed to the secretary of the Norwich Patriotic Society. Signed, Richard Davidson.

"FELLOW CITIZENS,

"The barefaced aristocracy of the present administration has made it necessary to prepare to act upon the defensive, in case of any attack upon the patriots.

"A plan has been formed for carrying into effect this necessary business. Pike-blades are made with hoops for the shafts to fit the top-ends; the bottom end of the shafts should be about an inch thicker, and fir is recommended for the shafts, selected by persons who are judges of wood. The blades and hoops will be sold at the rate of one shilling, properly tempered and polished. The money sent with the orders.

(Signed)

"RICHARD DAVIDSON.

"Direct to Robert Moody, China-square, Sheffield, to prevent the post-master's suspicion."

Jury. Is that second letter addressed to the Patriotic Society at Norwich without a date?

A. It is, and was inclosed in the former.

William Camage called.

Mr. Attorney General. I call this person to prove that there was such a person as William Davison connected with the Constitutional Society of Sheffield, and to prove that these letters are his hand-writing.

WILLIAM CAMAGE sworn—examined by Mr. LAW.

Q. Was you a member of the Society for Constitutional Information at Sheffield?

A. Yes.

Q. When did you first begin to be such member?

A. About the latter end of the year 1791.

Q. Did you ever act as secretary to that society?

A. Yes.

Q. For how long?

A. Perhaps five or six months; I cannot exactly tell the time.

Q. When

Q. When did you cease to act in that capacity?

A. The latter end of April, or the beginning of May, last year.

Q. Did you in that character write letters for the society?

A. No; I did not, I was to sign the letters.

Q. By whom was the business of this society managed?

A. By different persons.

Q. Did they form a committee, or in what way did they manage the business?

A. Yes, there was a committee.

Q. Who were the leading persons in that committee?

A. Edward Martin was one of the committee; John Alcock, George Widdison, Matthew Dodwell.

Mr. Attorney General. I beg your Lordship's attention; I only have these names mentioned to see how many among them were of the twelve who were associated with the constitutional society the beginning of May 1792.

Mr. Law. In the conversations among the society, what was their professed object when you first became a member?

A. A parliamentary reform.

Q. Among the persons attending these meetings, what was their professed object?

A. A parliamentary reform.

Q. Did they profess any other object during the time you belonged to the society?

A. That continued to be their object during my secretaryship.

Q. Was there any talk about suffrage?

A. Not in my secretaryship.

Q. You ceased to be secretary about April last?

A. April or May last year 1793.

Q. Did you continue to be a member of that society?

A. Yes.

Q. What was the professed object of the society subsequent to that?

A. I cannot properly speak to that; the other secretary that will be examined can speak more properly than I can.

Q. Do you remember the society at Sheffield choosing any person as their delegate to the convention in Scotland?

A. Yes, Matthew Campbell Brown.

Q. Do you know whether he went upon that delegation?

A. Yes, I believe he did.

Q. Do you know whether Brown was ever taken into custody?

A. Yes.

Q. Did you go down to him at the time when he was in custody?

A. No;

A. No; he was not in custody when I went to him.

Q. Was you sent to him while he was in Edinburgh?

A. Yes.

Q. By whom?

A. By the society.

Q. What was you sent to him for?

A. To carry him a supply of cash.

Q. Did you so?

A. Yes, I took him to the amount of 10l. from Sheffield, and I called at Leeds and took him nearly the same sum from there.

Q. Did you carry money from any other societies?

A. No.

Q. Did you know how the money so carried was collected?

A. No; I did not.

One of the Jury. Did you go to Scotland.

A. Yes.

Q. Did you see him at Edinburgh?

A. Yes.

Mr. Law. How were your own expences defrayed?

A. At the expence of the society.

Q. Who did you receive the money immediately from?

A. From the hands of Mr. Gales, a printer of Sheffield.

Q. Was he a member of the Constitutional Society there?

A. Yes; I believe he was.

Q. Do you remember, before you gave up your place as secretary, any person of the name of Yorke or Redhead, who became a member of that society?

A. I knew one Henry Yorke.

Q. Did you ever know him by any other name?

A. No.

Q. Do you know where Gales the printer is now?

A. I do not know any thing at all of him.

Q. Has he ceased to be seen at Sheffield?

A. Yes; he has.

Q. You know a person, you say, of the name of Yorke?

A. Yes.

Q. Have you known him before or since, by any other name?

A. No; never.

Q. He attended the meetings of this society?

A. Yes.

Q. Since the time he came as a member of this society, did he frequent the meetings pretty regularly?

A. No; he did not.

Q. Did

Q. Did he take any active part of the proceedings of the meetings when he did happen to attend?

A. He used to exhort sometimes.

Q. Do you recollect the subject of his exhortation?

A. No; they were too complicated for me to remember.

Q. Do you ever remember hearing him mention the subject of arms?

A. No; never in public.

Q. What were the means that he recommended to the society?

A. A parliamentary reform.

Q. How was that to be brought about?

A. By petitioning the parliament, at first I heard him, that was his principal exhortation.

Q. What was the next measure, supposing the petition rejected?

A. I never heard any specific plan spoke of by him.

Q. No specific plan?

A. No, no plan at all.

Q. You said he did not in public advise the use of arms?

A. No, never in public.

Q. Now, I ask you what you have heard him advise on that subject in private?

Mr. Erskine. What a man said in private, is that to be admitted?

Lord Chief Justice. He was a delegate from the Constitutional Society to the Scotch Convention.

Mr. Erskine. I do not mean to press it; my idea was, that what an agent says in private cannot be produced in evidence.

Lord Chief Justice. He is not an agent, but a party.

Mr. Law. I am enquiring about the time when he was at Sheffield, not while he was an agent merely: I ask you, sir, whether in private you ever heard him give recommendations of that sort?

A. The society was threatened to be dispersed in their meetings by the people of Sheffield, by the opposite party, and in private the people thought it necessary they should have arms for their defence, and he approved of it, that they had a right to be armed? he did not see any harm in the business for their own defence.

Q. Defence against what?

A. Against any illegal attack from that party that had threatened.

Q. Who were the people that thought it necessary to be armed?

A. The friends of reform, to protect their meetings.

Q. The

Q. The Constitutional Society ?

A. Yes.

Q. Who did you hear, members of the Constitutional Society, express this idea ?

A. I cannot recollect their names, it was a general idea.

Q. And Mr. Yorke, you say, approved of that idea ?

A. Yes.

Q. Did you ever hear him mention any particular sort of arms, as distinguished from arms in general ?

A. No, not at the first.

Q. I am not asking at the first ; did you never hear him recommend any particular species of arms to be used for this purpose ?

A. He was shewn the blade of a pike, which he approved of.

Q. By whom was he shewn that ?

A. By me, and Henry Hill.

Q. Who is Henry Hill ?

A. A shoemaker's knife forger.

Q. By whom was that pike made ?

A. By him I believe.

Q. Did he mention any other sort of arms ?

A. No, he did not.

Q. Nor instruments.

A. No.

Q. Have you ever had any conversation with him respecting muskets ?

A. No, I don't know that ever I had.

Q. You said that Hill and you shewed him a pike. Did he approve or disapprove of the form of the pike which you shewed him ?

A. He approved of the form of that we shewed him at that time.

Q. Did he suggest any alteration to be made in the form of it ?

A. Not in that.

Q. What other pike was shewn him ?

A. I believe he had another shewn to him.

Q. Was you present ?

A. I was not.

Q. Did you ever hear him talk of any other pike being shewn to him ?

A. No, I never heard him talk of it.

Q. Had you ever before Yorke came among you, heard any recommendation to arm ?

Mr. Attorney-General. Did he mention any country in which pikes were used ?

A. No, I never heard him mention any country.

Mr. Law. How soon after this pike was shewn to Mr Yorke, do you know of any having been begun to be made at Sheffield?

A. No, none before that.

Q. Do you know of any considerable quantity having been made after that?

A. No; three dozen only that I saw made myself.

Q. By whom were those three dozen made?

A. By Henry Hill.

Q. Do you know one Widdifon, of Parkgate, in Sheffield, a turner?

A. Yes.

Q. Do you know whether he was employed in making any part of these pikes?

A. I have heard him say he was employed in making handles.

Q. Had you ever any conversation with Widdifon, in Mr. Yorke's presence?

A. No, I have been at Mr. Yorke's lodging, Widdifon was there, but I do not recollect any conversation.

Q. Did you ever see a pike handle at Widdifon's, of the same form as those you shewed to Mr. Yorke?

A. Yes, I did see one in Widdifon's possession.

Q. Of the same form as that which you and Hill had shewn to Yorke?

A. Yes, nearly the same form.

Lord Chief Justice. Do you know how Widdifon came by that?

A. No, I do not know.

Mr. Law. Was it in the day time or night you went to Mr. Yorke's

A. It was in the night?

Q. What time of night?

A. Between eight and nine.

Q. Did Mr. Yorke take it in his hand?

A. Yes, he did.

Q. Did he look at it for any length of time?

A. No, he did not.

Q. Do you recollect what observations he made on taking it into his hand?

A. No particular observation that I recollect, no further than he approved of it.

Q. From the conversation which passed between Mr. Yorke and Hill and you, could you collect whether Mr. Yorke had any pikes shewn him before of a construction which he did not approve?

A. No, not by any conversation at that time. I understood by Henry Hill, that he had shewn him some before.

Q. Now

Q. Now, Sir, will you recollect yourself, of what number of persons might that meeting consist, when Mr. Yorke advised to get arms?

A. I do not know there was any body there in his lodgings, but himself and me at that time.

Q. Was there at any other time?

A. I do not recollect that there was.

Q. Do you recollect any meeting in the month of March, 1794, in which the providing of arms was talked of?

A. No, I never heard that there was a meeting of that sort.

Q. You was not present at that meeting?

A. No, I was not.

Q. You was present at a meeting in March?

A. Not where arms were recommended.

Q. I am not speaking of a meeting of a society; but was you present with Mr. Yorke and others at any time in the month of March, 1794, when Mr. Yorke and others recommended the procuring of arms?

A. No.

Q. Upon the Castle-hill do you remember being with him?

A. Yes.

Q. Did he recommend any thing of the kind then?

A. No.

Q. Do you know one Davidson, who lived with Gales, the printer?

A. Yes.

Q. Did you ever see any pikes when you have been in company with him?

A. No, I never did; I never saw any in his possession.

Q. Did you in his presence?

A. No, I did not.

Q. Do you know one Robert Moody?

A. Yes.

Q. Do you remember any meeting in the month of April, or any month in the year 1794, when Mr. Yorke recommended the providing themselves with arms?

A. No, I do not.

Q. Do you remember any speech made by Mr. Yorke upon the Castle-hill, Sheffield?

A. Yes.

Q. What did he recommend in that speech to the persons assembled, respecting a reform in Parliament?

A. I cannot recollect at present to make mention of the words he made use of, only respecting the reform in Parliament.

Q. Did he recommend to them to petition Parliament, or that they should not?

A. That they should not; and a resolve was passed for that purpose.

Q. Were any other means then recommended by, or resolved upon, by the societies then assembled?

A. No.

Q. Did you hear an address to the nation ever talked of there?

A. I heard something of a kind of address to the people.

Q. Was that recommended by Mr. Yorke?

A. I believe it was?

Q. Then he recommended to them not to petition Parliament, that was agreed upon, and he recommended an address to the nation?

A. Yes.

Q. Did Mr. Yorke walk home, or go home in any sort of triumph?

A. He was conducted home in a carriage.

Q. What do you mean by conducted?

A. Without horses.

Q. Drawn by the people?

A. Yes.

Q. Conducted home in triumph?

A. Yes.

Q. Did you ever hear Mr. Yorke say any thing respecting a convention?

A. No, I never did.

Q. Never?

A. Never.

Q. Did you ever hear him say any thing what would be the best means of redressing grievances?

A. No, not that I recollect.

Q. Or any thing respecting a convention?

A. I have heard him disapprove of the Scotch convention.

Q. On what ground did he profess himself to disapprove of the Scotch convention?

A. He thought it was a very wrong piece of business for them to assemble, because the people were much unprepared.

Q. How unprepared?

A. I have told you that I cannot recollect about it.

Q. In what manner unprepared he did not specify?

A. No, I do not recollect he did.

Q. Did he mention any steps that they should have taken preparatory to their assembling in Convention?

A. I do not recollect any thing particular.

Q. You

Q. You was down at Edinburgh?

A. Yes.

Q. Did he state any thing they should have done before they declared themselves, the British Convention?

A. He said they had split on a rock; they should have first brought out an address to the people before they declared themselves a convention, or something to that purpose.

* Mr. Attorney-General. Did you ever see that before, Mr. Camage? (*shewing him a letter.*)

A. Yes.

Q. Where did you see that letter before?

A. In the possession of Richard Davidson.

Q. At what place?

A. In my own house, in Sheffield.

Lord Chief Justice. What is that?

Mr. Attorney-General. That is a letter that we have heard on the subject of arms, that was sent to Mr. Hardy.

Q. Look at that. Did you ever see that before? (*a second letter shewn him.*)

A. No, I do not recollect this letter.

Q. How long had Davidson lived at Sheffield?

A. I cannot rightly tell you. He came to Sheffield some time about the beginning of this year, I believe.

Q. Where did he come from?

A. From Leeds. I believe he acted as secretary to the society at Leeds, when I was at Edinburgh.

Q. Had you any conversation about the place to which the person to whom the letter was directed was to send his answer?

A. Yes, he desired a letter to be directed to Mr. Moody.

Q. What did he say about Moody?

A. He said that the direction in that letter, should come to Robert Moody from London.

Q. There is the name of Broomhead which is scratched out. Had you no talk how it happened?

A. We had reason to believe that a letter to the secretary was sometimes intercepted.

Q. What is Moody?

A. A carpenter and joiner.

Q. Had he any thing to do with pikes?

A. Yes.

Q. What is Widdison?

A. A hair-dresser and turner.

Q. What had Moody to do with pikes?

A. He put handles, I believe, to three dozen.

Q. What length were the handles?

A. Some were about seven foot, I believe.

Q. What

Q. What length were the blades?

A. About ten inches, I think, as near as I can recollect; nine or ten inches, I am not certain which.

Q. In what shape were the blades?

A. About the same shape as a bayonet.

Q. Do you mean that they were fluted like a bayonet?

A. Yes.

One of the Jury. And pointed?

A. Yes, in the shape of a bayonet.

Mr. Attorney-General. Was there any of any other shape?

A. No, none that were shafted.

Q. Were there any other blades made that were not shafted, of any other shape?

A. There was one made I believe, that was not of that shape.

Q. Was that one that was made before not of the shape, ever shewn to Mr Yorke?

A. I believe it was the one that Hill took up and shewed to Yorke; I am not certain.

Q. Have you seen that one?

A. Yes.

Q. Then those that were actually shafted were in the shape of a bayonet.

A. Yes.

Q. And the handle was seven foot long, and the blade about ten inches?

A. Yes.

Q. What wood were the handles made of?

A. I believe of fir.

Q. Was there any particular reasons given why the handles were made of fir?

A. Not that I know of.

Q. Had Davidson been long at Sheffield?

A. No, he had not.

Q. Do you know where he is now?

A. I do not; I have never heard of him ever since I was taken up.

Q. Had he left Sheffield before that time?

A. Yes, about a fortnight before I was taken up.

Q. How long had Gales left it before you were taken up?

A. Nearly about the same time, I believe.

Q. Did you ever hear of such a thing as a cat?

A. Yes.

Q. What is the name of it?

A. A night-cat.

Q. What is a night-cat?

A. It

A. It stands with four points; so that when it is thro'wn on the ground, one point always presents itself.

Q. Have you seen one?

A. I saw the model of one five or six weeks before I was taken up.

Q. Had you ever seen such a thing before?

A. No.

Q. What was the use of it?

A. I understood it was for acting against the cavalry.

Q. How was a night-cat to act against cavalry?

A. I cannot tell.

Q. You must know, how could it hurt a horse?

A. By throwing them in the street.

Q. What would it do, run into his neck, or what other part of it?

A. Into his foot, I suppose.

WILLIAM CAMAGE—cross examined by Mr. ERSKINE.

Q. You have been asked what was the object of this society, and you said it was a parliamentary reform?

A. Yes.

Q. Was that your object when you became a member of that society?

A. It was.

Q. You say you was secretary to that society?

A. Yes.

Q. And you was a member of this society from the year 1791 to 1794?

A. Yes.

Q. Explain to the gentlemen of the jury when you become a member of this society, in order to have a parliamentary reform; what sort of parliamentary reform was it that you wished for?

A. A more equal representation of the people in parliament.

Q. In what branch of the parliament?

A. In the House of Commons.

Q. Had you any idea by a parliamentary reform in your own mind, when you became a member, or when you continued there, to touch the King's majesty, or the House of Lords?

A. Never in my life.

Q. I ask you, in the presence of God, before whom you must answer, if you had any idea of destroying the king?

A. No, God forbid.

Q. Did you ever in the whole course of the time you was secretary, did you ever observe, from any proceedings of the society, from what passed amongst the members, and what they said and what

what they did, had you any reason to believe that any of them meant different from yourself?

A. Never an individual among the whole society.

Q. Then I understand you to say, upon the oath you have taken, and subject to the consequences here and hereafter, that there was no such idea either in your own mind, and from what they said, in the mind of the other members?

A. Never.

Q. When you said that the resolve was not to petition parliament, did you mean to petition it at that time, or never to petition it?

A. I cannot speak to that; there was never any specific plan pointed out, by what means redress should be obtained.

Q. Was it ever pointed out that this change in the representation of the people in the House of Commons was to be carried by force of arms and violence?

A. No, never.

Q. If you had any idea that the members of your society, or of other societies, meant, by combining force, to over-rule the inclinations of the people at large and the inclinations of the parliament, would you have continued a member?

A. No; I would not.

Q. I ask you, under the solemnity of the oath you have taken, whether you ever saw any thing that led you to suspect or believe that was the intention of your society?

A. Never.

Q. Did you ever see any thing done, or hear any thing said, that it was the intention of any mischievous individuals among you?

A. No; I never had cause to suspect any one.

Q. If you had had an idea independently of force, that the object you was about might ultimately have affected the safety of the Monarch upon the throne, would you have continued in that society?

A. No; I would not.

Q. You say you continued secretary till the year 1793. Did you read with attention all you signed, or did you take it upon trust that it was what it ought to be?

A. I generally read it before I signed it.

Q. You continued a member after you ceased to be secretary?

A. Yes.

Q. You continued a member till the time you was taken up?

A. Yes, I did.

Q. Did you see any reason before you was taken up to change your opinion of the sentiments of those with whom you were associated?

A. No;

A. No; I did not.

Q. Had you ever any reason to believe, from what you have heard them say or do—I ask you to look into your own soul, and tell me whether you ever did yourself, or whether you have reason to believe that any other member of the society began to intend mischief?

A. No, I never did.

Q. Tell us when it was that your meetings began to be threatened with interruptions?

A. About the beginning of April or March 1794.

Q. Do you remember the time when the Convention was to be held at Edinburgh?

A. Yes.

Q. Was there any thing proposed by the society of which you was a member, or did you ever hear any thing said, or see any thing done, to the effect that this Convention was to put down the King and Parliament, and be itself the King and Parliament?

A. Never.

Q. Did it ever enter into your conception that this Convention was to make laws, or take upon it the functions belonging to the state?

A. I never understood it so.

Q. Did you conceive it meant any thing more than to consider of the best means to effect a change in the representation of the people in the House of Commons?

A. The idea the Sheffield Society had at that time, was, that the Scotch Convention were to petition parliament.

Q. Was it universally said amongst your society, that though a petition from a smaller number of individuals will be neglected and fruitless, was it not the general opinion that, when you had got the sentiments of a great number of the respectable part of the people, and then petition as a convention, that the House of Commons would attend to you, though they would not to a smaller number?

A. Yes, at that time it was.

Q. Was that, upon your oath, what you collected of the general sentiments of the people?

A. Yes it was, according to my ideas.

Q. Was you, while you continued a member of the society, and till the time you was taken up, a friend to the British constitution in its purity?

A. Yes, I was.

Q. Had you any wish to bring into England the desolations and the anarchies that are in France?

A. Never.

Q. Had you a wish to see the King put down from his throne?

throne, leaving out his death, and his royal family taken down from their state and dignity ?

A. No, God forbid that I should ever live to see it.

Q. Should you not have thought yourself the most wicked and abandoned of mankind to have remained an hour in that society after you discovered that to be the wish of the society ?

A. Yes, I should.

Q. Did you, from what you see, suspect that to be the intentions of these people behind the curtain ?

Mr. Garrow. I must object to that ; that is matter of observation for the Jury.

Mr. Attorney-General. I certainly will not object to it ; at the same time, I desire to be understood that I by no means think it a question proper to be put unless I consented to it.

Mr. Erskine. I am much more disposed to take advantage of the permission than to go out of my way on the present occasion, in order to make any remarks on the interruption of the learned gentleman on the manner in which his disapprobation of the question was conveyed.

Mr. Erskine. (To witness) Have you any reason to suspect, or do you now believe, that notwithstanding the papers that were signed, carried on the face of them parliamentary reform ; had you any reason to believe, that there was an intention to destroy the constitution of Great-Britain ?

A. I never had any such suspicion.

Q. Now you say for the first time you began to be interrupted in your proceedings in 1794 ; what was the nature of the threats, and what were you afraid of ?

A. We were afraid of the opposite party.

Q. What do you call the opposite party ?

A. The people who did not think with us in general.

Q. You was not afraid from the authority of the state ?

A. No.

Q. But that people who differed from you would persecute you ?

A. Yes.

Q. At the time you were interrupted, in your conscience, did you believe that what you was doing every thing that was legal ?

A. I did not know that I was committing any thing that was wrong.

Q. Was that the way in which the continuance of the society was argued among you when you were threatened ?

A. Yes.

Q. Let me ask you what sort of an attack was it you expected to be made on you ?

A. I cannot speak to that.

Q. What

Q. What was the nature of the apprehension at the time Mr. Yorke proposed having arms to defend yourselves?

A. The notion that I had was, that the opposite party would do it by force of arms if they attacked us.

Q. Had you any intention, or did you hear from Mr. Yorke, or any body else in the society, that any other use was to be made of even these nine dozen pikes than to defend yourselves in your peaceable sitting?

A. Nothing at all else.

Q. From any that ever you heard or see, do you believe it to have been in the contemplation of any body, that it was intended to employ these pikes against the King and Parliament?

A. No, never.

Q. Would you have remained an hour in that society if you had had any reason to believe that that was their intention?

A. I would not.

Q. Did you believe that you had a right to arms for your defence under the law of your country?

A. Yes.

Q. Under what law of your country?

A. By the bill of rights.

Q. Was that the ground upon which this right was argued in your society?

A. It was never argued, but we thought we had a right, from the bill of rights, to defend ourselves against any individual of the state, who might attack us.

Mr. Garrow. Who told you that?

A. I heard Mr. Yorke say so.

Q. Was it ever debated among you, that if you were opposed by the whole authority of the state, you were to raise arms among the people to support the authority of your convention as a parliament?

A. No, never.

Q. Was it ever supposed, or any hint given, that the laws were to be made by these twenty or thirty people at Edinburgh?

A. No.

Q. What did you consider this convention were to do?

A. I cannot speak to that purpose.

Q. Were they to consider what was the best means to go on in a peaceable, constitutional, and legal manner, as you understood it?

A. Yes; I understood it so.

Q. Did you know Mr. Hardy?

A. No; I never did.

Q. Then am I to understand that you, good subjects of the

King, and very much for the interest of the country, really thought you was contending for rights that rendered more beneficial and more secure the King's title?

A. Yes, I did.

Mr. Erskine. I think the same, upon my honour.

Mr. Garrow. What with pikes?

Lord Chief Justice. You differ entirely in your mode of reasoning.

Mr. Erskine. Do you recollect why that particular species of arms was recommended, or any thing said about it?

A. I believe it was the cheapness of the article that recommended them.

Q. Then I understand you to say, that in order to get these pikes, there were only nine dozen.

A. Three dozen.

Q. You saw a model of this cat?

A. Yes.

Q. Was you an inhabitant of Sheffield at that time?

A. Yes.

Q. Did you ever see or know that there was ever one made from that model?

A. I never saw one.—A person there said he had seen these things many years before at Newcastle.

Q. But you never did yourself, nor any of your society, to your knowledge, ever see an instrument made after this model?

A. I never saw any, nor any of the society, to my knowledge.

Mr. Attorney-General. Who told you that the bill of rights permitted you to have arms?

A. Mr. Yorke.

Q. You say this man said that he had seen some of these night-cats at Newcastle?

A. Yes.

Q. Did he tell you at what time it was that he saw them?

A. It was during his life-time.

Q. Did he say at what time in the history of the country he saw them?

A. No, he did not mention the year.

Q. You know what I mean very well. Did he say what was going on in the country at the time he saw these at Newcastle?

A. I think he said some time about the American war.

Q. You say you expected opposition from the other party at Sheffield?

A. Yes.

Q. How came you and Davidson to send to London about opposing the other party at Sheffield?

A. It

A. It was Davidson sent the letter.—He might have the same idea of the people at London as at Sheffield.

Q. Now you talk about cavalry, who were the opposite party at Sheffield that were to attack you with cavalry?

A. I never heard of any cavalry in Sheffield.

Q. Your opinion was about the opposite party at Sheffield, and Davidson's about the opposite party at London, that was what his letter calls "the bare-faced aristocracy of the present Administration." What did you understand by that?

A. I only understood that he meant the opposite party.

Q. This Davidson, that meant as little as you, was not so bold as you—he ran away a fortnight before you was taken up.—How came Davidson to run away?

A. I cannot give any other reason than that he had heard there were some persons in Sheffield in search of him.

Q. You told us the cheapness of the article was the reason why you thought of pikes?

A. Yes.

Q. Will you have the goodness to inform me how much were they to cost?

A. Twenty-pence.

Q. So that thirteen-pence would not pay for them?

A. The hoop and the blade would come to that.

Q. Then if the blade and hoop had come to London at the price of one shilling, there would be some expence to pay, that somebody else must provide for?

A. Yes; there would be the expence of the shaft to add to it.

Q. Did you ever hear of such a place as the Parrot in Green-Arbour-Ally, London?

A. No.

Q. Had you any conversation with Davidson about these pikes after he shewed you the letter?

A. Not that I can bring to my recollection what it was.

WILLIAM BROOMHEAD sworn—examined by Mr. GARROW.

Q. You reside at Sheffield?

A. Yes.

Q. Speak out loud, and speak across the Court to these gentlemen.—What are you by business?

A. A cutler.

Q. Was you a member of any society at Sheffield, that had the name of the Constitutional Society.

A. I was.

Q. At what time did you become a member of it?

A. It was at the first institution of the society, I think in the year 1791.

Q. Was

Q. Was you one of the twelve of that society, who were afterwards associated with the Constitutional Society of London?

A. I was not then a member of any committee, nor did not act in any public character.

Q. That is not the question I put to you; I ask whether, during any period, at any time, you became a member, an associated member of a society in London, called the Constitutional Society?

A. I never was a member of that Constitutional Society in London.

Q. I did not ask you whether you was or not, but whether you was one of the twelve of the society at Sheffield, who were associated with the Constitutional Society in London?

A. We were above twelve when that was wrote to us; and therefore, I do not understand you.

Q. Your society at Sheffield were more numerous than twelve?

A. Yes.

Q. At which period the Constitutional Society in London was written to you by your Society?

A. Yes.

Q. Did your society when you wrote to the other, propose any names to be associated to the society in London?

A. I never heard any names spoken of for that purpose.

Q. Did you know whether that you or any other persons were received as associated members of the Constitutional Society in London?

A. I do not recollect any such thing. I do not know of any such members.

Q. Did I understand you, that you did recollect such a proposition from your society?

A. Letters were wrote from one society to the other.

Q. Proposing such a measure?

A. That they acted in conjunction; I always understood it so.

Q. Did I understand you right, that one of the modes by which that acting in conjunction was to be brought about, was, that twelve of your number should be associated to the London Constitutional Society for the purpose of conjunctive acts?

A. I do not know that ever such a subject was settled; I know nothing of the further junction of the society but what passed by letter, no particulars.

Q. Did you ever act as secretary to that society in Seffield?

A. Yes, about five months.

Q. The last five months before you was apprehended?

A. Yes,

A. Yes.

Q. When was you apprehended?

A. I think it was in May last.

Q. Now Sir, will you be so good as to tell us for what purpose your Constitutional Society were assembled, and what the professed object of their assembling was?

A. The object was a parliamentary reform.

Q. By what means was that reform to be effected?

A. By meeting and endeavouring to enlighten each other, and spread that knowledge both of the grievances which we considered as such, or which is frequently wrote of, and informing the people of the necessity of a parliamentary reform, that they might unite and move for it in the most unexceptionable mode.

Q. Was there any peculiar mode by which the election for the members of the House of Commons was to be affected according to your proposition as to the right of voting?

A. That subject was never discussed to my knowledge.

Q. Are you acquainted with the expression, universal suffrage?

A. I expect I am.

Q. I have no doubt of it. Was it or was it not, the scheme of the Constitutional Society at Sheffield, that the reform was to be produced by universal suffrage?

A. It never was, as far as my recollection, till the Edinburgh Convention, I never heard of universal suffrage until that time.

Q. Was the circumstance of the Edinburgh Convention known to the Constitutional Society at Sheffield?

A. They sent a delegate to the Convention, and therefore they certainly must know it.

Q. Who was their delegate?

A. A Matthew Campbell Brown; but I was not secretary at that time; they called upon me to take the secretaryship just after he was gone to Edinburgh.

Q. Do you know a person of the name of Henry Yorke?

A. I know a person who goes by that name.

Q. Perhaps by another name?

A. I have heard him go by another name, Henry Readhead.

Q. Did Yorke, or Readhead, whatever be his name, reside at any time in Sheffield.

A. Several times he has been in Sheffield.

Q. Did he reside there any time this last time?

A. The last time, I do not exactly know how long, it might be six weeks, or it might be seven or eight.

Q. Do

Q. Do you know a person of the name of Gales, a printer at Sheffield?

A. Yes, very well.

Q. Mr. Yorke was not a settled inhabitant of Sheffield?

A. No.

Q. Did he attend the meetings of the Constitutional Society at Sheffield?

A. He frequently attended, almost every weekly meeting during his last visit to Sheffield.

Q. As he was not a settled inhabitant of Sheffield, in what character did Mr. Yorke attend regularly the weekly meetings of the society.

A. They considered him as a man of considerable abilities and an orator, paid great respect to him; and he used to attend constantly once a week at the meeting called the committee; but it was not properly a committee, for the time of the expiration of the committee was elapsed before, and another was not chose; and such persons, whether they had been in the committee before or not, were admitted on account of Mr. Yorke being at Sheffield.

Q. I ask you in what character he came there

A. I am totally unacquainted with it, for he did not bring any letter to us: I have heard say—

Q. Did you ever hear himself say?

A. No.

Q. But being there, you discovered that he had great talents, and was an orator?

A. Yes.

Q. Did he take any part in the discussions of the society, or in the management of it?

A. Yes, he wrote several pamphlets while he was at Sheffield, and several times brought some part, if not the whole of his pamphlets in manuscripts to those meetings to be read.

Q. Do you speak now of the weekly meetings, that were improperly called committees?

A. Yes.

Q. Where were those held?

A. At my house.

Q. In a large commodious room there, probably?

A. It was a small room when the meeting met. But there was a large room when there were more persons present.

Q. How often was that large room used?

A. Some two, three or four times; I do not recollect how many.

Q. During his last visit?

A. Yes.

Q. In

Q. In that room was there any particular accommodation for the more commodious exercise of the talents and oratory of Mr. Yorke?

A. Yes, some little thing erected for to elevate the speaker.

Q. What did they call it?

A. I do not know any particular name for it: some called it a pulpit and some a tribune; but it never was christened.

Q. And from this tribune Mr. Yorke addressed the society?

A. Yes.

Q. Besides this meeting, improperly called a committee, and the meeting where the tribune was, do you recollect any general meeting upon the Castle-Hill, Sheffield?

A. Very well.

Q. Was it the seventh of April?

A. I do not justly recollect; but I was there.

Q. Was Mr. Yorke there?

A. Yes.

Q. Did he there exercise himself in addressing the people?

A. Yes.

Q. In what sort of manner and language?

A. He had with him a book in his hand, wrote by Mr. Locke, and he expatiated very largely on the corruptions that had crept into the British constitution, or rather the evils which are generally complained of; he thought there was a deviation in some degree from the original constitution of Great Britain; but his manner of speaking may sometimes lead him to go farther in speaking than he ought.

Q. That does happen to those that are great orators very often.—On that occasion did this unfortunate fatality attend him, that he went farther than he ought; did it appear that this address of his, and Locke's book for his text, was more violent and went farther than he ought?

A. He is peculiarly energetic, and at the same time very warm, very strong; but at this meeting I do not know that he said any thing that was detrimental to the constitutional law of England.

Q. It was settled that you was to do something at that meeting?

A. It was.

Q. Settled by whom?

A. By Mr. Yorke and Mr. Gale at a previous meeting.

Q. To do what?

A. That I should make a motion at that meeting for petitioning the House of Commons for a Reform in the Representation of the People.

Q. For what purpose was you to make that motion as it was settled?

A. That it might be over-ruled.

Q. Was it settled by the committee beforehand that the motion should be made, and that it should be over-ruled?

A. Yes; it was so agreed upon, and further for the purpose of introducing another motion in its place.

Q. Pray, Sir, did you make the motion as it was agreed?

A. I did, for petitioning the House of Commons.

Q. What was done upon your making that motion?

A. It was objected to with a view of making way for another, which was brought in and carried.

Q. Who was the objector?

A. There were only four of us that were elevated above the rest.

Q. Then there was an elevation on Castle-hill?

A. Yes; one of these matters was carried there from our room.

Q. This tribune?

A. Yes.

Q. Who were the other three with you?

A. Mr. Yorke, Mr. Gale, and Mr. Camage.

Q. Then either Mr. Yorke, Mr. Gale, or Mr. Camage opposed your motion?

A. Yes.

Q. What number of persons might be assembled at this meeting?

A. Several thousands.

Q. This was a meeting in the open air?

A. Yes.

Q. Then one of these persons opposed your motion, as it had been agreed, for introducing the other?

A. Yes.

Q. What was that other motion?

A. Instead of petitioning the House of Commons, to petition his Majesty, and the petition was drawn up; the parchments lay at my house.

Q. Drawn up by who?

A. By Henry Redhead.

Q. Was it drawn up before or after the meeting?

A. It might be drawn up before, and read there; I think it was, but it was not signed till after.

Q. It was left at your house for signatures?

A. Yes.

Q. Upon this occasion did Mr. Yorke address the meeting, which you say was composed of some thousands?

A. Yes;

A. Yes; he introduced the subject of petitioning the King to exercise his power for a Reform in the Representation of the People; and this petition was sent to London to Earl Stanhope, and he did not think proper to present it in that form.

Q. Do you remember, a day or two after the meeting upon Castle-hill, being in company with Mr. Gale and Mr. Yorke at your house, when any application was made to him on the subject of printing the speech he had delivered upon Castle-hill?

A. I remember something of that sort being said to him at my house.

Q. Did he agree to print his speech?

A. To the best of my recollection he did agree to it.

Q. Was it done?

A. Yes, to the best of my recollection.

Q. Did you see it afterwards?

A. Yes.

Q. Printed?

A. Yes.

Q. From having heard it upon the Castle-hill, could you form an opinion whether the printed one is a pretty accurate statement?

A. The substance of the matter I expect it contains.

Q. Was that published at Sheffield?

A. Yes.

Q. Do you believe this to be one of those publications?

A. I do.

Q. Did you receive afterwards, in your character of secretary, from Mr. Yorke, any number of this pamphlet for any purpose?

A. I did not receive them from Mr. Yorke, but I received them at Mr. Gale's shop.

Q. Did you do any thing with them by the direction of Mr. Yorke?

A. It was by direction of the meeting, previous to their being communicated to different persons.

Q. Do you mean the public meeting?

A. The private meeting.

Q. Did you in consequence thereof make up any packets?

A. Yes.

Q. Look at these packets.

A. These are directed by me according to order.

Q. How many might you direct in that manner in several packets?

A. I do not recollect exactly.

Q. About how many?

A. There might be twenty-four.

Q. What were done with them?

A. They were lapped up, and directed to separate persons, and then all put in a box.

Q. To whom were they sent?

A. To the best of my recollection, they were sent to Thomas Hardy.

Q. I would ask you first, what your situation in life was before you was applied to, to become the secretary of this society?

A. I was a cutler,

Q. Was you working at your business?

A. Yes, when I had any business to work at.

Q. Was you applied to, to become the secretary, or did you apply?

A. I was applied to.

Q. Who applied to you?

A. John Allcock was one.

Q. Was you paid any thing for your trouble?

A. Yes.

Q. What was your inducement for taking that office upon you?

A. I should not have taken it upon me if I had not been applied to.

Q. What induced you?

A. The war had spoiled my business.

Q. You did it to increase your means of support?

A. Yes.

Q. Did you hear any thing about procuring arms at Sheffield?

A. I heard the report, as many others did, but I purposely avoided meddling in thought or act with any thing of that sort.

Q. Did you hear in the society, or from any of the members in the society, any proposition for arms?

A. Yes, I did; but it is necessary that this should be well explained. A few days before this meeting, when it was spoke to as being the right of Englishmen to have in their power means of defence, a spurious hand-bill was published in Sheffield, with an intention to provoke the society to some unjustifiable measure; it was spoke to in the meeting, as having a right to have them in their own defence; and Joseph Gale spoke to it; he was the man; and this bill, this wicked hand-bill, was not signed by any magistrate, and it was *throw'd* about the town in the dark. It caused agitation in the minds of the people, and it was spoke of as being the right of every individual there to have such and such arms according to their rights, lest any riot or tumult should break out; and I am happy to speak of this, for I should be happy to see

see that advertisement which was published in the Sheffield paper a week after.

Q. Was that hand-bill distributed previous to the meeting upon the Castle-hill?

A. To the best of my knowledge it was after that meeting.

Q. Was this subject of procuring arms publicly discussed, or at the private meeting?

A. It was in the public meeting of the society that Gale spoke of our rights, in our large room.

Q. Was it a public meeting of the society; were there strangers there?

A. Yes, many others who were not members in the room. Tickets were not regularly delivered at that time I believe.

Q. You members introduce visitors?

A. Yes.

Q. Did you see any arms, or any model of any?

A. I never saw one.

Q. What sort of arms were they that were talked of as fit to be had for the purpose you were stating?

A. Pikes, but I never saw any till I was brought to London.

Q. I do not know whether you have heard any thing of night-cats?

A. I saw a model of one, but it was only like a child's play-thing.

Q. We will just get an account in what manner children play with it at Sheffield. What sort of a thing was it?

A. It was a little thing, standing on three points, and one point standing up.

Q. How many points were there to it?

A. I think there were four.

Q. If you throw it down it always presents a point?

A. Yes.

Q. And how long was that point?

A. About three quarters of an inch, just to shew what sort of a thing it was.

Q. Was there any other purpose for which these instruments were to be made, except as a play-thing for children?

A. I never heard of them in the society at all.

Q. Where did you see that model?

A. To the best of my recollection, in the house of one Benjamin Dan.

Q. Was he a member of the society?

A. Yes, but it was not he that produced it.

Q. Who did produce it?

A. I think they call him Charles Rhodes.

Q. Had you ever seen such a thing before?

A. I never

A. I never did.

Q. You naturally asked its use, for which it was constructed?

A. I do not recollect any conversation on that head, only that it was taken and thrown on the floor.

Q. Was that act of throwing it down on the floor, accompanied by no description of the use of it, except as a play-thing?

A. There might, but it was not serious; there was nothing serious said on it.

Q. Serious or not, what was said on it?

A. Nothing was said, but he brought it to shew them.

Q. What was said, serious or not serious, as to the use?

A. I cannot call to mind, only that he took it out of his pocket, and said, that he had come to shew them this that a little boy had made.

Q. Was it called by any name?

A. I heard no name of it there till I came to London, and then it was called a cat.

Q. What did you hear it called in addition to that name?

A. I heard no name at all there whatever.

Q. Was there any conversation at that time, when it was thrown upon the floor, about cavalry?

A. I do not recollect any conversation at all; they might say, look at the model.

Q. Was there no conversation? You told me just now, that the conversation was not serious about it. Upon your oath, was there nothing said about cavalry or the town of Newcastle?

A. I know nothing about the conversation of Newcastle; Newcastle was not mentioned.

Q. Upon your oath, was you not present at a conversation in which the model was produced, and there was a talk of the town of Newcastle?

A. Upon my oath, I never was.

Q. Nor you never heard of any conversation with respect to cavalry?

A. No, I do not recollect any conversation about its use; I never heard any thing except desultory, loose, trifling, pleasing conversation.

Q. The more desultory, loose, trifling, pleasing conversation it was the better; let us have it?

A. I am sure I cannot recollect it, else I would.

Q. Try, do not hurry yourself?

A. I do not recollect, except taking it out of his pocket and throwing it on the floor.

Q. No, no debate at all, and the conversation you do not recollect?

A. No, there was none at all; it was shewn principally to the

the company as being the production of a boy or child ; I remember it perfectly well.

Q. It was a thing you had never seen any thing like it before ?

A. No, I do not recollect that ever I had.

Q. And you contented yourself with seeing it thrown down upon the floor, without asking any questions about the use of it ?

A. I had nothing at all to do with that.

Q. Now, sir, you told me that at that meeting at the Castle-hill, Mr. Yorke, though generally warm and energetic, disposed to say strong things, did not say any thing detrimental to the constitutional law of England. Were you present at any other meetings, when his speeches were not altogether constitutional ?

A. I have been present at other meetings where he has not been so guarded as at that meeting.

Q. Perhaps when he has not been so well guarded, it was at the meeting of the society only ?

A. Yes.

Q. Be so good to tell us a little the tendency of his discourse when he gave himself a loose manner, and followed the impulse of his nature ?

A. If I had noted them down, I might have been able to repeat them.

Q. I do not expect that you should give them in his manner, or precise words, but the substance ?

A. I do not recollect at present ; I may have heard him when conversing in this meeting ; sometimes he was very warm to be sure, and sometimes might drop an unguarded expression ; sometimes such as comparing what he looked upon to be the grievances under which we labour, and the privileges that we once enjoyed ; he might step out of the way ; I heard him once use an expression, but for my own part I would not chuse to put a comment on it ; he expressed himself to this purpose, that we were in a low despicable situation, and rather than submit to it, he would go up to London with the people there present, but did not say for what.

Q. How many of you might there be then present, who were to come up with Mr. Yorke to London, rather than submit to live in so despicable a situation ?

A. There might be one hundred and fifty or two hundred.

Q. Was this at one of the meetings of the society ?

A. Yes, with some others.

Q. At one of the general meetings ?

A. Yes.

Jury.

Jury. Go to London, and what then?

A. He did not draw any inference.

Mr. Garrow. Was that after you had heard any thing upon the subject of arming?

A. I think it was before that; to the best of my memory it was before that, I am not perfectly clear of that.

Q. Was that delivered from the tribune?

A. Yes, delivered from the place that was called so; sometimes it is called a pulpit.

Q. It was from that orator's elevation that this speech was delivered?

A. Yes.

Q. Then, perhaps, having brought that to your recollection, you may possibly recollect something else?

A. No, I never remember any other that gave me any pain; I should not recollect that, but I felt pain at the time.

Q. What was it that made you feel any pain at that declaration of Mr. Yorke's?

A. Because I fear God and honour the King.

Q. And therefore you felt pain at that declaration of Mr. Yorke?

A. Yes.

Q. Either at that or any other meeting do you recollect any other expressions of Mr. Yorke?

A. No, I do not remember any expressions that so struck me as that.

Q. I do not know whether you have seen this paper before.
(*The proceedings of the fast day at Sheffield shewn him.*)

Q. Did you ever see that before?

A. I never see but one from which this was taken, perhaps.

Mr. Attorney-General. Look at the hymn there.

A. Yes.

Mr. Garrow. Have you seen a pamphlet of which that appears to be a copy?

A. Yes.

Q. Be so good as to look at this: (*another paper shewn him*) have you seen that before?

A. Yes.

Q. Do you remember the circumstance of a proclamation for a general fast-day to be held in January 1794, in London?

A. Yes.

Q. Tell us in what manner the fast was observed upon the Castle-Hill, at Sheffield?

A. It was not at the Castle-Hill, it was another place, at the top of the town; I forget the name of the place.

Q. Was you there?

A. I was.

Q. Was

Q. Was that in the open air?

A. Yes.

Q. How many persons might be assembled for the purpose of observing that fast?

Court. How is that evidence?

Mr. Attorney-General. In order that that may be understood, your Lordships will recollect that there has already been read from the Constitutional Society's book, a resolution, thanking the people of Sheffield for the manner in which they had spent the fast day.

Mr. Garrow. With the addition that this printed paper was found in the prisoner's possession.

Q. (To witness) How many do you think there were assembled?

A. There might be a thousand or two.

Q. Be so good as to tell us the manner in which you, together with that assembly, of a thousand or two of the inhabitants of Sheffield, celebrated that fast day?

A. With the hymn that is there printed.

Q. In order to shorten it, I will put it thus: Is the manner in which it is represented in this printed paper, correct?

A. To the best of my knowledge it is.

Mr. Garrow. (Reads) "A Royal Proclamation having been issued, commanding February 8, 1794, to be observed as a General Fast, the friends of Peace and Reform in Sheffield determined to honour the day in the most distinguished manner. Accordingly, the thousands of that town assembled upon a spacious plain, near West-street, Back-fields, where the meeting was opened with prayer; after which a serious lecture, suitable to the occasion, was read with great energy."

Mr. Gibbs. Take the legal course in introducing the paper.

Mr. Garrow. There are several legal courses.—If you approve of it better, I will authenticate the paper.

Mr. Gibbs. The legal course is the best.

Q. What might the number of your society amount to at Sheffield?

A. Nearly six hundred, more or less.

Q. Are you divided into divisions or sections?

A. Such a mode has been advised, but has not been regularly and orderly kept.

Q. By whom had that mode been advised?

A. I cannot recollect, because it was advised before I was secretary.

Q. Do you suppose that six hundred were the full amount of the members of the society at its greatest extent of your numbers—did they amount to two thousand?

Z z

A. No,

A. No, no such thing.—I wrote the tickets.

Q. You think about six hundred was the number.

A. Yes.

Q. You say the distribution into divisions or sections was not regularly executed; what was done towards it?

A. There were a kind of books delivered, called district-books, but they were not regularly attended to.

Lord Chief Justice. Where did those books issue from?

A. They were printed by Joseph Gale.

Q. By whose directions?

A. They were printed before I became a member; before I joined the society.

Q. They were the societies books, printed by Mr. Gale?

A. Yes.

Q. To whom were they distributed, to what manner of persons, and for what purpose?

A. For the members of the societies to divide into districts, or you may call it sections.

Q. It was not regularly effected; what was the mode in which these districts were to assemble themselves?

A. They were to meet, if they thought proper, but principally to collect a penny per week from each member.

Q. That was the contribution towards the fund of the society?

A. Yes.

Q. Were there any regular periods at which the different sections were to communicate in one general assembly, or was that left to emergency?

A. Such a thing was mentioned but never executed.

Q. What was mentioned but not executed?

A. The district meetings; but they were not properly attended to.

Mr. Lauzun called in again.

Q. Look at this paper, (a pamphlet entitled *Fast-Day*, as observed at *Sheffield*) where did you find that?

A. At Mr. Hardy's house.

Q. Look at this (*A Serious Lecture*.)

A. I found that at Mr. Hardy's.

Q. (To Broomhead) After the *Serious Lecture* was read, there was a hymn prepared

A. Yes.

Q. Who composed it?

A. It was composed by one Montgomery.

Q. It is stated to be sung in full chorus by the assembly.

A. It was sung.

Q. By whom were these two pamphlets printed and published—by whose order?

A. I believe

- A. I believe they were printed by Joseph Gale,
 Q. But by whose order—at whose expence?
 A. They were sold.
 Q. Who ordered them to be printed?
 A. I believe it was a private matter.
 Q. But there is an expence incurs, you know, before the sale of printing and publishing?
 A. He was not paid till after it was done.
 Q. Who furnished the copy to Gale?
 A. I don't know for certain.
 Q. Who read the lecture?
 A. A gentleman from Halifax.
 Q. Do you know of any proceedings of the society, or committee, or of Yorke, respecting the printing and publishing these two pamphlets?
 A. I do not.
 Q. Do you know whether they were generally distributed in the town of Sheffield?
 A. They were sold.
 Q. Do you or not, from your own knowledge, know whether the sale was extensive?
 A. I think not very.
 Q. There is a prayer; who composed that?
 A. I did.
 Q. You composed it yourself?
 A. Yes.
 Q. Who was it delivered by?
 A. By myself.
 Q. From notes or extempore?
 A. It was extempore.
 Q. You had written it and committed it to memory, perhaps?
 A. Yes.
 Q. What became of your copy?
 A. I do not know, there was no account taken of it; it was delivered to Gale, to be printed.
 Q. At whose direction?
 A. I do not know, it was a private meeting of several members of the society that that was spoken of.
 Q. Be so good as tell me if you know these names; John Payne Newhill?
 A. I have heard the name, but I do not know the person.
 Q. Was he member?
 A. I believe so.
 Q. Joseph Gale?
 A. Yes, I know Joseph Gale.

Q. He was a member ?

A. Yes.

Q. Do you know Joseph Smith ?

A. Yes.

Q. Do you know David Martin ?

A. Yes.

Mr. Garrow. It is not worth while going through the names, it is a sufficient evidence that they were sent up to the Constitutional Society, to be affiliated with them, which is proof they were members.

(*Read by the Clerk of the Court*)

" Proceedings of the public meeting held at Sheffield in the open air, 2d of April, 1794, and also an Address to the British nation, being an exposition of the motives which had determined the people of Sheffield to petition the House of Commons no more on the subject of Parliamentary Reform.

(*Page 9.*) " Fellow Citizens, the day is at length arrived, when fanaticism and superstition, deprived of their tinsel trappings, and exposed in their native ugliness, to the view of mankind, sink scowling back to the cave of obscurity, there I hope they will for ever remain."

Mr. Erskine. Let the whole of it be read.

PROCEEDINGS OF THE PUBLIC MEETING.

" In pursuance of a public advertisement, a General Meeting of the Friends of Justice, Liberty and Humanity, was held, at three o'clock on Monday the 7th of April, 1794, on the Castle-hill, in Sheffield, to consider upon the propriety of addressing the King, in behalf of the persecuted patriots, Citizens Muir, Palmer, Skirving, Margarot and Gerald; also of again petitioning the House of Commons for a Reform in the Representation of the People, and to determine upon the propriety of petitioning the King, for the total and unqualified Abolition of Negro Slavery.

" Notwithstanding the inclemency of the weather, (very severe rains having fallen until within a quarter of an hour of the appointed time of meeting,) from ten to twelve thousand people were assembled on the occasion :

" *Henry Yorke* having been voted to the Chair, The business was opened by reading the following Address to the King, in behalf of the suffering Patriots.

" TO THE KING.

" *An Address from Inhabitants of the Town and Neighbourhood of Sheffield, in the County of York.*

" SIRE,

" WE, the undersigned, being warm friends of Liberty, and the Rights of Man, feel ourselves deeply affected by the sentences

tences which have lately been passed in your Majesty's Courts of Scotland, upon citizens Muir, Palmer, Skirving, Margarot and Gerald.

" Had these men been really guilty of *crimes*, their punishment should doubtless have been proportionate to their offences; but, so far from considering it as a crime for a man to use every constitutional means in his power to effect a Reform in the Commons House of Parliament, we think that every man who thus exerts himself, deserves well of his country; since we are persuaded that nothing short of the accomplishment of such a Reform, will restore peace and happiness to our present aggrieved and injured nation.

" We trusted also, that your Majesty entertained the same opinion with us of such exalted conduct, from your Majesty's having chosen for your most confidential servants in the state, men who had singularly distinguished themselves by their patriotic exertions in the cause of Parliamentary Reform.

" But the friends of these sufferers having brought their case before Parliament, without producing the desired effect—the principal of these very servants of your Majesty having opposed the measure with all his corrupt, but irresistible influence—seeing no other resource, we approach your Majesty in this Address, to intreat your Majesty to interfere in behalf of these (whom we deem) *innocent* men, with that power which the British constitution has placed in your Majesty, of pardoning whom your Majesty pleases—a privilege which is sometimes graciously extended even to real and palpable criminals.

" Let it not be recorded in the history of this country, that King George III. or any of his judges, transported men for fourteen years, because they had dared to speak the same words upon a speculative subject, which, if they were not the immediate means of advancing his Majesty's then prime minister to his high situation, caused his election to be remarkably popular. Let it not be said, that men of education, of refined sentiments, of the most virtuous and benevolent characters, were severed from their dearest connections, and plunged into dungeons with thieves and prostitutes. Let it not be said, that fathers were torn from their wives and children, and sons from their aged parents, because they had the virtue openly to condemn the acknowledged corruptions of government, and to exert every peaceable means in their power to remove them. Let it not be said, that it was as great a crime to speak the TRUTH as to be guilty of FELONY.

" But rather, O King, let it be recorded, that George III. had the wisdom, the humanity, and the justice, to step in between these severe and cruel sentences and their execution.

" These

" These are our desires—these our plain sentiments. We know they are such as your Majesty is unaccustomed to hear; but, if they are supported by truth and reason, suffer not the homeliness of our manner to offend your Majesty. We are plain men, and will not flatter a King. If our wishes be attended to, we are persuaded it will, in some good degree, hush the murmurs which unreasonable severity in a government never fails to excite; and it may also avert that *Storm*, which it is but too evident has long been awfully gathering, and which may burst forth in a moment when your Majesty thinks not."

" The Address being read, and received with repeated applauses, The Henry Yorke addressed the meeting in support of the measure. He observed, that the cause for which our countrymen were now suffering, was the same as had been advocated in the year 1783, by Mr. Pitt, the Duke of Richmond, and other men, who were at this time pensioners and placemen under the actual government; that a convention, for the purpose of obtaining a Parliamentary Reform, had been held at the Thatched House Tavern, in which these men went as delegates, or acted as assistants; that it was cruel, if not unjust, to punish men for following the example which those in power had set them. The question was not a question of *convenience*, but of *right*.—It was not enough to say, that the people were *formerly* represented, but that they had a *right* to be represented *now*. Did the ministry, therefore, mean to assert, that what was right to-day, was wrong to-morrow? Did they mean to declare, in the face of the world, that what was in conformity to the maxims of justice at that time, should, in so short a space, be deemed *unjust*, and punished as a *crime*?

" After having expatiated considerably on this very important subject, he proceeded with observing, that in all countries where severe and sanguinary punishments were encouraged, men could have no affection for the government under which they lived, and their obedience to it could result solely from motives of *fear*. That liberty of opinion could not be denied to any free country, without denying at the same time the rights of the people. That nothing argued more strongly against a government than the uniform design of depriving the people of this liberty; that it was a proof that something *went wrong*; and that even governors were ashamed of their conduct, when the right of discussion was violated or put an end to. The civil liberty we enjoyed in our country was the effect of political discussion; and its political liberty would have long since been restored and secured, if our rulers had not interposed to weaken or annihilate this right: First, by giving a power of decision to judges, which the ancient law of the land did not acknowledge: Secondly, by confounding

founding the truth with the fact of publication: And, thirdly, by having punished with the utmost severity libels in private cases, to prepare the public mind for those severe sentences in public ones, which dishonoured and irritated the nation. It had been lately the fashion to confound government with the constitution, and the ministry with the government. To oppose, therefore, the mad and wild, if not criminal schemes of administration, was to oppose government, and, by this mode of reasoning, to oppose government was to be an enemy to the constitution. A government can never give a more authentic proof of its propensity to tyranny, and of the impropriety, as well as impolicy of its measures, than by restraining or forbidding the liberty of discussing publicly matters of legislation and policy. It is debasing the character of man, as an intellectual being, to deny him the right of enquiring into that which even governors allow was made for his use, namely, government.

"To punish inquiry, severity is exercised for imaginary guilt. But what is the effect? Mischief is prolific. Violence in government begets resentment in the people, who murmur and exclaim. Government is provoked, and studies vengeance. When one act of vengeance is exposed, more always follow. Affection is lost on both sides, and, what is worse, is irrecoverable. Hatred begins; and the government and the people being a variance, consider each other no longer as magistrate and subject, but as mutual enemies. Hence the inhuman wish of Caligula, that he could murder all the people at one blow. The sequel is in order: he is continually destroying them; they are continually wishing him destroyed.—Such conduct had the fatal tendency of cramping the genius of men, and of replunging the nation into a state of barbarism with regard to their religion, their laws, their morals, and their government, and to keep them ignorant of the most important concerns in their trade, their splendor, their felicity; whilst all the nations around them were improving themselves in morals and policy, by the daring efforts and concurrence of enlightened men, whose views were directed to those objects alone which were really worth their attention. The reasoning of a government, which prohibits information, is defective in every particular; its progress is not to be stopped, nor even to be checked, without manifest disadvantage. Prohibition has no other effect than to irritate men; to inspire them with an idea of insurrection, and to give to all their writings a libellous tendency. Severe and arbitrary sentences may *intimidate*, but they cannot *convince* a nation. It is by reason and argument alone, opposed to apparent reason and apparent argument, that a government can hope to be victorious over its internal enemies, or render itself permanent by the quiet

quiet and conscientious concurrence of all its citizens. It is doing too much honor to innocent subjects to be alarmed at a few pages of writing, or at a few fugitive orations, when barracks are erected in a country, and 60,000 armed mercenaries are ready to execute the mandates of government. Experience had proved, that the rigorous prosecutions which had lately taken place throughout England, and that the cruel sentences which had disgraced the capital of Scotland, had not answered the purpose of establishing arbitrary power, and of crushing the rebellion of honest minds. Although there is no spirit so erect and independent as not to be broken by the long continuance of the silent and inglorious sufferings of a jail; yet it had been found, that men were proud to step forward in this most stormy season, when such terrible examples of legal vengeance had been held up before them to plead the ancient rights of their country, to unmask the infamy, intrigue, and murderous projects of administration, and according to the principles of the purest benevolence, to assert the liberty of the whole human race. The present times bore a strong and marked resemblance to those terrific ages when priests held their dominion over the minds and consciences of men, and when they endeavoured to establish the reign of intolerance and orthodoxy amidst flakes of fire, and streams of human blood. All history had evinced, that every attempt to curb and bridle the expansion of the human mind had been ineffectual; it had evinced, that opinions, though smothered for a time, burst forth with redoubled fury, and were victorious over power; it had evinced the triumph of reason and truth over prejudice and superstition, and that liberty, whether of opinion or person, however slow in its progress, had uniformly moved forward towards its destined goal; and that even, at this moment, the interruptions which had been opposed to it in our own country, although they might be injurious to individuals, would finally obtain, confirm, and establish the rights of the people. Conscious of their uprightness, the friends of freedom had persevered in their noble cause, unappalled by the influence of spies and informers, and by the threats of a corrupt, a crazy, and wicked administration. In so doing, they had acted in perfect conformity to the principles of virtue, without which no man could be a friend to his country, and a lover of mankind. Its essence consisted in the regulation of our conduct by such moral axioms as are best calculated to promote the general happiness of our fellow-creatures; and as it frequently happened, that the happiness of the individual stood in direct opposition to that of the public, it is the perfection of virtue in individuals to sacrifice their own happiness to that of the public. A man, in possession of this virtuous principle, feels
delight

delight whilst actually burning in the brazen bull of Phalaris ; and such, he trusted, was the actuating principle of those generous patriots, who are become willing victims of the most barbarous and savage sentences that ever had been pronounced in Britain ; who had made a glorious stand against arbitrary power, and who broke loose from the fondest endearments of human life, in the hope of redeeming their lost country from the fangs of a dark and brooding prejudice, and from the horrors and turpitude of an ignominious slavery.

“ It was the tyranny of the British government which drove William Penn, with the philosophic people called Quakers, to the delectable regions of Pennsylvania, where, by toleration, industry, and permanent credit, they revived the simplicity of the primitive ages of society. It was the same tyranny which has driven into voluntary exile, or forced by law into banishment, the most virtuous of men, the first of philosophers, the most exalted and courageous band of patriots that ever honoured the soil of Britain. Among the former Joseph Priestly, one of the most profound philosophers of the age, and most meek and amiable of citizens, claims the sad pre-eminence ; and among the latter, stand the names of those persecuted patriots, in whose behalf we are now about to address the executive magistrate of our country—a noble and a generous band, whose sufferings do not claim our pity, because they boil up our rage ; whose sentences disgraced those who pronounced them, not those on whom they were pronounced ; whose condition is enviable, because honourable, and to the whole of whose opinions and conduct, no good man, or honest citizen, can give one dissentient voice ! In times like these, when a man is mocked and insulted, because he bears the name of a patriot, an epithet once honoured by the people of England ; at a time when those who have the courage and magnanimity not to flatter their country, are deserted, betrayed and persecuted, what honours are sufficient for those who thunder truth against tyranny ? What disgrace ought not to await those timid beings, those *negative* patriots, who keep aloof from the scene of action, and riot on their country’s wrongs ? When our nation shall be regenerated, these persecuted men will wear civic crowns. In the political, as in the moral world, the friend who appears to soothe our distresses, excites our esteem ; and he who, in calamitous times that try men’s souls, sacrifices interest, friends and home, in order to save his sinking country, merits well, not only of every Briton, but of all mankind, and even of the government under which he lives.

“ Fellow citizens, the day is at length arrived, when fanaticism and superstition, deprived of their tinsel trappings, and exposed,

posed, in their **native** ugliness, to the view of mankind, sink scowling back to the **cave** of obscurity; there I hope they will for ever remain. The energy of Englishmen will no longer endure this strange uproar of injustice. I trust my countrymen are sick of religious and political imposture; and that their decisive and manly conduct will command, in an imperious tone which will take no denial, not a melioration of these enormous abuses, which would be to compromise with injustice; but I trust they will demand the annihilation of corruptions and abuses, and a restitution of the original rights of human nature. I ask of our governors, this plain question, Is it better that the people should be in a constant state of stupidity, than that they should be sometimes turbulent? Ministers of state, if ye mean to be wicked, suffer the people to write and speak; you will find men corrupt enough to serve you according to your evil desires, and who will improve you in the art of Sejanus. If you mean to be good, permit them to write, you will find some honest men, who will improve you in the art of a Turgot. How many things are ye still ignorant of, before you can become great either in good or in evil. I see no glory, no advantage, no pleasure, no safety, in any man reigning as a Sultan over slaves. Such a horrid pre-eminence tarnishes the lustre of the most exalted station. It is, besides, precarious, for Sultans are frequently deposed, and vengeance wreaked upon them.

“ I need not invite you, fellow citizens, to feel for any human being who suffers, much less need I solicit your approof of the present measure, after the general testimony of satisfaction you have given of it. You are too enlightened to need the aid of any instruction from me, and your understandings are too much awakened to require that your passions should be played upon. Whilst the unerring tribunal of posterity shall condemn, with scorn and derision, with execration and disgust, those inhuman beings who have been the causes of such unexampled and inhuman severity, our persecuted brethren will obtain a verdict of honour and glory. I may venture to say, that, beloved by the present age, future ages shall heap around their monuments trophies of undying fame; and an exasperated and repentant people shall enrol their names in the volume of history, which records also the names of Sidney, Hampden, and Locke!”

“ The following resolutions were then read three times over, and, with the exception of one or two persons, were unanimously adopted:

1. “ That the people being the true and only source of government, the freedom of speaking and writing upon any subject cannot be denied to the members of a free government, without offering the grossest insult to the majesty of the people.

2. “ That

2. " That therefore the condemnation of citizens Muir, Palmer, Skirving, Margarot, and Gerald, to transportation, for exposing the corruptions of the British government, was an act better suited to the maxims of a despotic than a free government.

3. " That the address which has now been read, be presented to the King, in behalf of the above persecuted patriots."

" On the second resolution being proposed, an hiss was heard from different parts of the meeting, in consequence of one or two persons holding up their hats against it; on observing which, H. Yorke thus addressed the meeting :

" FELLOW-CITIZENS,

" As your chairman, I call you to order. As an individual I must observe, that this hissing is repugnant to the principle of toleration or freedom, which we wish to see established. We have this moment read and given our assent to, an Address to the King in favour of liberty of opinion; let it not be said, that we are the first to violate that liberty in others, which we claim for ourselves. Opinions will always vary, even amongst the wisest and best of men. We are bound, therefore, to shew tenderness to the opinions of others, and compassion even to their prejudices. Let our enemies see that we consecrate by our example, what we desire to see established as a principle. Hisses do not convince; they tend only to irritate the minds, and to beget the ill-will of our fellow-citizens; let us, on the contrary, confront them with the weapons of reason and truth, the only logic of liberal minds. Every thing which has a tendency to stir up the passions without awakening the understanding, is unbecoming of freemen, or of men who would be free."

" These well-timed observations had the good effect of preventing any further signs of intolerance, and the utmost decorum prevailed throughout the conduct of the business.

" It was next moved, ' that a *Petition* be presented to the House of Commons, for a Reform in the Representation of the People in Parliament: ' but so marked was the disapprobation given by the whole meeting to this measure, that not one single person *seconded* the motion, but a most profound silence, interrupted only by a few murmurs, was observed: upon which Henry Yorke again rose, and addressed the meeting in an animated speech of an hour long, and of which it is impossible for us to give our readers a just conception. He took a general view of the British constitution, and stated its most prominent defects; among which the want of a perfect national representation was the most glaring. He dwelt a considerable time upon this subject, and then proceeded to take a rapid survey of

the exertions which had been made at different periods, and by different persons, to promote the cause of Parliamentary Reform,

" He observed, that the subject was become a mere bugbear, employed to deceive the people, and worked upon as an engine to raise into power, needy and ambitious men; that the very same men, who, in opposition, had declared, that it was the only measure of saving the country from ruin, were the first to reprobate and scout the measure of Reform when they were in power. From the corruptions of the British government, parties had been generated, which, in their route to power, had convulsed and plundered the empire. Under the distinctions of names, principles had been forgotten; and for the sake of leaders, whom the people had foolishly idolized, the machine of government rolled on amidst the feuds and contentions of party. Eternally the peace of our country had been disturbed by the rancour and animosities of factions, and the people, instead of turning themselves to correct the gross evils which existed in it, had ever been the tools of base and designing men, and seemed prepared to whet and sharpen their swords one against another.

" It was now high time that the people should lay aside leaders, discard factions, and *act for themselves*. He strongly enforced these principles, and then entered into a complete detail of the ancient constitution as established by Alfred, which he proved to be at this time totally defaced, if not lost. He then pursued the gradual decline of popular liberty in England, from the anarchy which was the consequence of Danish and Norman invasion; and taking a general sketch of our history, so far as it was connected with the subject of popular representation, he made some strong and pointed remarks on the revolution of 1688, the object of which, he said, was not, could not be answered, unless annual parliaments and general suffrage were restored. For this he had the authority of Lord Somers, who drew up the Declaration of Rights, and who was promoted by William III. for his popular exertions at that memorable epoch.

" In order to prove that the revolution had not corresponded with the expectations of the people, no sooner was the Prince of Orange established on the throne of England, than all ideas of the ancient mode of annual parliaments were effaced, and the triennial act was passed in the very face of that revolution, and in direct contradiction to its principles; for the revolution, at least, so far as it respected the people, was not intended to be a compromise between the King and the aristocracy, for the joint inheritance of the people, but to establish on unequivocal principles the right of the people to govern themselves, and to recall those delegated powers which they had entrusted to their ser-

vants

wants for this purpose, when they were either abused, or neglected to exercise them. If the revolution were not a revolution for the people, it was no revolution at all, but a conspiracy of a few ennobled oppressors against the liberties and happiness of the many. But if it were designed to comprehend the people, and its end has been perverted, or purposely laid aside, the people are not warranted in *petitioning*, but are justified in *demanding as a right*, agreeably to the tone of language used in the Declaration of Rights, the restitution of annual parliaments, and the establishment of universal suffrage. But the shock which was given to the stability of these principles, was most infamously flagrant, by the enacting of the septennial act, in the reign of George I. If the act of parliament in the reign of Henry VI. erased from the roll of citizenship some of the best members of the community, the enacting of the triennial and septennial acts, filled up to the brim the measure of governmental iniquity, and poured forth the waters of bitterness throughout our land."

" FELLOW-CITIZENS,

" Enough of precedent. The human race has long been rolling down the tide of ages neglected, unpitied and oppressed. It is high time that the devious course of human policy should not be left to the uncertain issue of storms and of elemental wars; but that the machine of state should be guided by the polar star of reason alone, which is never seen but when the majesty of the people is resplendent. What is beneficial in the example of ages, we ought to reserve with caution. What is injurious, and what is only *tolerably* competent to answer the common purposes of society, ought to be abolished. We insult ourselves, when we abjectly distrust the powers which nature has given us; nor ought we passively to acquiesce in institutions, which, though injurious, may be preferable to those that may be endured by others. We insult ourselves, when we foolishly balance between *tolerable vices* and *positive good*; between unnatural systems, and novel, untried, but just maxims. The human mind is progressive; so is the social mind. That the one therefore should remain stationary, amid the rapid course of the other towards perfection, is a prejudice as unnatural as it is injurious to the happiness of man. The governments of Europe present no delectable symmetry to the contemplation of the philosopher—no enjoyment to the satisfaction of the citizen. A vast, deformed and cheerless structure, the frightful abortion of haste and usurpation, presents to the eye of the beholder no systematic arrangement—no harmonious organization of society. Chance, haste, faction, tyranny, rebellion, massacre, and the hot, inclement action of human passions, have begotten them.

Utility

Utility has never been the end of their institution, but partial interest has been its fruit. Such abominable and absurd forms ; such jarring and dissonant principles, which chance has scattered over the earth, cry aloud for something more natural, more pure, and more calculated to promote the happiness of mankind. Experience must regulate the mechanism of government, by which I mean not a narrow and confined, but a liberal and enlightened experience, which, hearing without passion or prejudice, the testimony of ages and nations, collects from its general principles, to further the progress of civilization. It is in history that we are to dive for those rich materials of legislative experiment, which are to ameliorate the social order, and repair those breaches which injustice has long since made. But if this experience be found inadequate to the purpose of alleviating human miseries ; if it afford nothing but the melancholy prospect of outrageous despotism—of excessive vices on the part of the governing, and debasement and vassalage on that of the governed ; if it ascribe the commotions of suffering countries to the designs of factions, and not to principles ; if it shew, that in consequence of national ignorance, after the first ebullitions of revolt, they have sat down in a torpid calm, and borne with usurpations still heavier than those by which they were roused to arms—it must be granted that this experience is important, because it teaches the suffering nations of the present day, in what manner to prepare their combustible ingredients, and humanists in what manner to enkindle them, so as to produce with effect, that grand political explosion, which at the same time that it buries despotism, already convulsive and agonising in ruins, may raise up the people to the dignity and sublime grandeur of freedom.

“ To effect this just and useful purpose, *revolution of sentiment* must precede revolution of government and manners. The popular energies must be excited, that the popular voice may be felt and heard. The people must grow wise, in order that the people may rule. It is said we preach anarchy ; but what is anarchy but the establishment of confusion on the wreck of popular opinion ? It is said we are Levellers ; but those are Levellers who would wish to reduce man to the condition of the brute ; guided by passion and uninfluenced by reason. Those are Levellers whose hands are dipped in the public spoils ; who assert impunity for crimes, and inviolability of persons ; who would make humanity take a retrograde motion ; who would paralyse the arm of justice, and defeat the end of equal laws. We have ever disclaimed the foolish idea of *levelling property* ; because our own property, the fruit of our labour, or of our talents, might, by the example, be exposed to the invasion of the

the first intruder. It were well, if those who confound justice with crimes, would consider that the poor man's property, little as it is, is as precious to him, as is the wealthy stock of the rich man. It were well, if feeling the force of this principle, the aristocracy would unite with us in the cause in which we are embarked. Property, they say, is sacred. Is not, then, the property of the poor man as sacred as that of the rich; and ought it to be filched or forced from him without his consent, any more than that of the rich man? Can those who do not respect the property of others, expect others to respect their property? We wish to exalt, not to level. We wish to better the condition of the wretched; to equalize men under the influence of law, but to give to merit, industry, talents, patrimony, virtue, their proper weight and correspondent dignity in the social order. Are we, then, ungovernable, because we reject mis-government? Are we ungrateful, because we defend our liberty and property against those who ought to respect them? Are we rebels in maintaining our violated laws, against those who are open rebels to laws, and who set themselves above those laws which they ought to have venerated? I know, that in all ages of the world, people who would not be oppressed, have been reckoned ungovernable, by men who are, or who would be oppressors. I know that the enemies of oppression have always been stigmatized as enemies of government. I know that it is seditious to blame the excesses of power, and insolent to mention the insolence of those who abuse power. I know that it is sedition to distinguish between public right and public wrong, between government and tyranny. Nor is it enough to acknowledge all *good* government to be irresistible; but the *worst*, and the *abuse* of the best, must be irresistible also. I know, that to complain of tyranny is *faction*, and to throw it off *rebellion*; but they who oppress are the greatest *rebels*, and for the oppressed to turn upon them, is but to *resist* rebellion—it is but to do a just and natural action. Whoever violates the laws of reason, equity and nature, whatever station or name he may bear, is a *rebel*, subject to laws against tyrants and rebellion. Tyrants, therefore, and oppressors, are the highest and most consummate rebels in the world—capital traitors to God and man, and punishable by all the laws of God and man. Amid all the absurdities and chimeras of Paganism, it was never believed that tyranny was warranted by Heaven. It was never believed that the bloody Caligula was the vicegerent of God, and that the worst of men had a commission from Heaven to oppress the human race. It was never believed that murder, rapine and mis-rule, were government, and that lawless and bloody-crowned robbers were governors divinely appointed. It was

was never believed that society had no remedy against devouring lust and the raging sword, which were destroying all the ends of society, and even society itself. Such indignities to God and man, were never broached by Pagans; they never propagated doctrines which would have turned men into ideots, destitute of reflection and feeling; into beasts of burthen, and beasts of sacrifice; turned Heaven into Hell; human society into a chaos of blood and carcases; and the earth into a place of torments. It never entered into the heart of a Greek or a Roman, nor into any heart that felt the sentiments of virtue and humanity, that it was unlawful to defend nature; a crime to ward off murder, barbarity and desolation; and an impiety to do the most godlike action which can be done on this side Heaven, that of disarming tyrants, and of saving our country from perishing. Government is doubtless a sacred thing, and justly claims our reverence and duty; but when government is general oppression; when havoc, spoil and persecution prevail, to the destruction of all who do well; when law and justice are banished, and military despotism triumphs; when property is attacked and seized without the consent of its owner, and lives are wantonly destroyed?—Is this government too? If it be, tell me what is not government? I do not think, in an age like this, that the people of this, or any country, can ever be so sunk or deadened by oppression, but that repeated provocation will raise a spirit amongst them capable of accomplishing the greatest projects. Even the most professed and degraded slaves, the people of Turkey, often rouse themselves, and casting their proud rider to the earth, trample him to death. A little spark often kindles a great flame, and a flame soon spreads to a conflagration. An ignorant nation roused to assert its liberties, will be mad and furious; for, when men are used like beasts, they will act like beasts! But, when an enlightened people, knowing their rights, are reduced to a state of degradation, they will know that their condition cannot be worse, but, by their own efforts, their condition must be better. An ignorant people, incited by repeated injury to shake off the load of injustice, will risk unseen evils and calamities—will risk even a civil war, to be revenged on their oppressors. Such was the temper of the Romans upon the revolt of Sacrovir—they even exulted in it, and, in hatred to Tiberius, wished success to the public enemy. Such were the injured people of Spain, who, when the Romans came, joyfully received them as their deliverers from the tyrannous yoke of Carthage. But an enlightened people will never sully the victories of patriotism by such irregular conduct. Revenge will never be adopted as a principle. Peace will actuate their demeanour, and they will glory in awaiting the slow process of universal information, as
a prelude

a prelude to universal emancipation, rather than tarnish the career of liberty, by involving their country in scenes of terror, waste and depredation. Oppressed nature will, at a proper season, depart from passive principle; and, should an attempt be made to wrest what remains of liberty from us, I trust all men will concur to vindicate their violated rights—for, if the attempt be suffered once, it will be often repeated. A few repetitions create a habit, and habit will claim prescription and right. For governors to be omnipotent, the race of man must be extinct; and no argument for destroying anarchy can be used, but what is full as strong for the overthrow of tyranny. It is difficult to restore public affairs, when once disconcerted, to their former steady principle—numbers will engage in the corruption, and will try every art and power to support it, and they will continue to do so, until nature, which is always uppermost in man, signs their tragical doom!

“CITIZENS,

“I repeat my former assertion. Go on, as you hitherto have done, in the culture of reason. Disseminate throughout the whole of your country, that knowledge which is so necessary to man’s happiness, and which you have yourselves acquired. Teach your children, and your countrymen, the sacred lessons of virtue, which are the foundations of all human polity. Teach them to respect themselves, and to love their country. Teach them to do unto all men, as they would that they should do unto them, and their love shall not be confined to their country, but shall extend to the whole human race. When such a revolution of sentiment shall have dispersed the mists of prejudice; when, by the incessant thunderings from the press, the meanest cottager of our country shall be enlightened, and the sun of reason shall shine in its fullest meridian over us; then the commanding voice of the whole people shall *recommend* the five hundred and fifty-eight gentlemen in St. Stephen’s Chapel to go about their business.”

“After having concluded the above speech, Henry Yorke observed, that as there might be many persons present who came from motives of curiosity, and others who came for a more criminal purpose, he should adduce in justification of the reasonings he had employed, the writings of a man, who was the first to reduce into a system the study of the Human Understanding, and the Principles of Government—he meant John Locke, whose excellent discourse on Civil Government he then held in his hand, and from which he read the following extracts:

“No government can have a right to obedience from a people who have not freely consented to it; which they never can be supposed to do, till either they are put in a full state of liberty to

chuse their government and governors, or at least till they have such standing laws, to which they have, by themselves or their representatives, given their free consent, and also till they are allowed their due property, which is so to be proprietors of what they have, that nobody can take away any part of it without their own consent, without which, men under any government are not in the state of freemen, but are direct slaves under the force of war.

“ There is another way whereby governments are dissolved, and that is, when the legislative, or the prince, either of them, act contrary to their trust. First, the legislative acts against the trust reposed in them, when they endeavour to invade the property of the subject, and to make themselves, or any part of the community, masters, or arbitrary disposers of the lives, liberties, or fortunes of the people. The reason why men enter into society, is the preservation of their property; and the end why they chuse and authorize a legislative is, that there may be laws made, and rules set, as guards and fences to the properties of all the members of the society, to limit the power, and moderate the dominion of every part and member of the society: for since it can never be supposed to be the will of the society, that the legislative should have a power to destroy that which every one designs to secure, by entering into society, and for which the people submitted themselves to legislators of their own making; whenever the legislators endeavour to take away, and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience, and are left to the common refuge, which God hath provided for all men, against force and violence. Whenever therefore the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly or corruption, endeavour to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties and estates of the people; by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty, and, by the establishment of a new legislative (such as they shall think fit) provide for their own safety and security, which is the end for which they are in society. What I have said here, concerning the legislative in general, holds true also concerning the supreme executor, who having a double trust put in him, both to have a part in the legislative and the supreme execution of the law, acts against both, when he goes about to set up his own arbitrary will as the law of the society. He acts also contrary to his trust, when he either employs the
force,

force, treasure and offices of the society, to corrupt the representatives, and gain them to his purposes; or openly pre-engages the electors, and prescribes to their choice, such, whom he has, by solicitations, threats, promises, or otherwise, won to his designs; and employs them to bring in such, who have promised before-hand what to vote, and what to enact. Thus to regulate candidates and electors, and new-model the ways of election, what is it but to cut up the government by the roots, and poison the very fountain of public security? for the people having reserved to themselves the choice of their representatives, as the fence to their properties, could do it for no other end, but that they might always be freely chosen, and so chosen, freely act, and advise, as the necessity of the commonwealth, and the public good should upon examination, and mature debate, be judged to require. This, those who give their votes before they hear the debate, and have weighed the reasons on all sides, are not capable of doing. To prepare such an assembly as this, and endeavour to set up the declared abettors of his own will, for the true representatives of the people, and the law-makers of the society, is certainly as great a breach of trust, and as perfect a declaration of a design to subvert the government, as is possible to be met with. To which, if one shall add rewards and punishments visibly employed to the same end, and all the arts of perverted law made use of to take off and destroy all that stand in the way of such a design, and will not comply and consent to betray the liberties of their country, it will be past doubt what is doing. What power they ought to have in the society, who thus employ it contrary to the trust went along with it in its first institution, is easy to determine; and one cannot but see, that he who has once attempted any such thing as this, cannot any longer be trusted.

“ To this perhaps it will be said, that the people being ignorant, and always discontented, to lay the foundation of government in the unsteady opinion and uncertain humour of the people, is to expose it to certain ruin; and no government will be able long to subsist, if the people may set up a new legislative, whenever they take offence at the old one. To this I answer, Quite the contrary. People are not so easily got out of their old forms, as some are apt to suggest. They are hardly to be prevailed with to amend the acknowledged faults in the frame they have been accustomed to.

“ But it will be said, this hypothesis lays a ferment for frequent rebellion. To which I answer, first, No more than any other hypothesis; for, when the people are made miserable, and find themselves exposed to the ill usage of arbitrary power, cry up their governors as much as you will for sons of Jupiter;

let them be sacred and divine, descended, or authorised from heaven; give them out for whom or what you please, the same will happen. The people generally ill-treated, and contrary to right, will be ready upon any occasion to ease themselves of a burthen which sits heavy upon them. They will wish and seek for the opportunity, which in the change, weakness and accidents of human affairs, seldom delays long to offer itself. He must have lived but a little while in the world, who has not seen examples of this in his time; and he must have read very little, who cannot produce examples of it in all sorts of government in the world. Secondly, I answer, that such revolutions happen not upon every little mismanagement in public affairs. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty, will be borne by the people, without mutiny or murmur; but, if a long train of abuses, prevarications and artifices, *all tending the same way*, make the design visible to the people, and they cannot but *feel* what they lie under, and *see* whither they are going, it is not to be wondered at, that they should then *rouse themselves*, and endeavour to put the rule into such hands which may secure to them the ends for which government was at first erected; and without which, ancient names and specious forms, are so far from being better, that they are much worse than a state of nature, or pure anarchy—the inconveniencies being all as great and as near, but the remedy farther off and more difficult.”

“After reading the above, Henry Yorke continued,” “I must observe to you, that for this discourse on Civil Government, John Locke was preferred by King William, to the important place of Master of the Mint, and was universally beloved and honoured at Court. This book was generally considered at the time it came out, to have been a more powerful means of securing the King upon his throne, than even the arms of Holland and Britain; and it has contributed perhaps, more than any other publication, to secure the present Royal Family upon the throne of these kingdoms. Although it was written a century ago, it was a principal in establishing the American Revolution; it has conspired the overthrow of despotism in France; and, before long, its principles will have driven despotism from the face of Europe. To such a book there can be no exception; and I think I cannot better serve the King, or my fellow-citizens, than in bringing it before the public. I understand it is not to be purchased, because I am told ministry have bought them all up, or they were purchased to be sent to America; but I will defeat their ends; I will extract its spirit, and give it you in a small compass, and as cheap as the press can print it.”—(*Loud and reiterated applauses.*)

“The

"The following resolutions were next read and unanimously approved of, amidst the loudest applauses.

4. "That in every country where the people have no share in their government, *taxation is tyranny*.

5. "That therefore a government is tyrannical or free, in proportion as the people are equally or unequally represented.

6. "Convinced of this truth, it is the opinion of this Meeting, that the people ought to demand as a *right*, and not petition as a *favour* for universal representation.

7. "That therefore we will petition the House of Commons no more on this subject."

"After which Henry Yorke, according to a requisition which had been made to him a few days before, presented the following Petition to the King for the total and unqualified emancipation of the Negro Slaves. He prefaced the Petition with a most eloquent and animated speech on the subject; but from the fatigue which he had undergone from the preceding part of the business, it was impossible for him to carry to his intended length, a discourse which had already drawn tears and sighs from a great part of his auditory. As we understand he means to make an appeal to the public on the subject, in which, of course, will be included the observations which he made at this meeting, we trust no apology will be necessary for our omitting to give any sketch of them here."

" TO THE KING.

"SIRE,

"Justice is eternal. Unconfined by time, person, circumstance, or place, it ought to form the basis of all legitimate government, and the motive of all human intercourse.

"As intellectual beings, we conceive it to be a sacred obligation, imposed on us by the Supreme Being, *to think for ourselves*. In conformity to which principle, we are naturally led to desire the extension of knowledge throughout the world. As we ourselves *feel*, we are naturally led to sympathise with those who *feel* also. Wishing to be rid of the weight of oppression under which *we* groan, we are induced to compassionate those who groan also, and to desire an alleviation of their sufferings.

"On our *own* account we have repeatedly petitioned the Lower House of Parliament—but petitioned in vain. We are weary of the practice. We are disgusted to hear the hallowed name of liberty made the sport of corrupt placemen; and we are shocked to see, that in the practice of legislation, humanity is but a name. We are now petitioning, not for ourselves, but for others;—for those, whose sorrows harrow up the feeling soul, and terrify the Christian heart; for those, who are the victims

victims of avarice, cruelty, rapine, immorality, and luxury — We have the sanction of one of your Majesty's sons, in declaring, that the Negro Slaves, in the West Indie, are full as happy as the lower classes of people are in England. We employ so great an authority in justification of our petition; and considering, that we who supplicate your Majesty are generally men of that description, we are bound to conclude, that if our African brethren be no happier than we are, they must be wretched indeed. For we groan, Sire, under great and grievous burthens, and we see no prospect of redress before our eyes, nor have we a hope that our miseries will shortly end. Our wives and little ones are starving, and ourselves unable to provide them with the common necessities of life, are sunk in sorrow, and compelled to join in their bitter agony and deep despair. But the contemplation of our distressed state becomes additionally alarming, at the certainty of having more burthens accumulated upon us, which may be productive of consequences injurious to the cause of humanity, and fatal even to the interests of government itself. Such, Sire, is our state, and such, from the comparison drawn by the Duke of Clarence, is the state of our Negro brethren in the colonies. But in addition to the testimony of so high an authority, we have a volume of respectable evidence delivered into the House of Commons, which proves, beyond contradiction, that our condition is by no means so deplorable as that of the wretched Africans. They are **SLAVES**;—under which odious epithet, man is reduced to the condition of the brute, and is deprived of a country, and of the tenderest ties of human life. The rights of a social being are denied to him, and every principle of moral obligation is destroyed. The liberty, the person, and the industry of the Slave, are at the disposal of the master. Far different is our state; and although from not being represented in the House of Commons, our property may be taken from us without our consent—although from the erection of barracks throughout our country, and from the unconstitutional introduction of foreign troops into it—from the encouragement given to a system of state inquisition, and from the violent measures employed to wrest the liberty of the press from the hands of the subject—we cannot call ourselves **FREE** men in the strict sense of the word. Yet our lives cannot be taken from us, but for crimes prievously defined and declared punishable by law; nor can our persons be wantonly sported with, to gratify the lust, the avarice, or the cruelty of overseers and slave-drivers. So far we have undoubtedly the advantage over the Negro Slaves; and we cannot help thinking, in justice to the Royal Personage who drew the resemblance, that he reasoned more from our actual condition,

tion, than from what we were, and what we ought to be—a free, a happy, and contented people.

“Quitting, therefore, the comparison which has been drawn between the poor of this country and the Negro Slaves in the colonies, we beseech your Majesty to take into your gracious consideration our Petition in their behalf. We are happy to congratulate your Majesty, that we not only cultivate reason ourselves, but we are daily exerting ourselves to diffuse its influence universally. Our success, Sir, has been wonderful!—We glory in announcing to your Majesty, that, by the use of that reason, we have discovered that society is made for man’s happiness; that liberty is the first and best gift of God to man—which it would be impious not to assert, and sacrilege to surrender. In the names, therefore, of Liberty, of Justice, and of Humanity, and for the sake of those, whose cries of ‘Mercy! Mercy, Master!’ are ringing eternally in our ears, we petition, we implore your Majesty, to put an end to that devilish commerce in human flesh; which is a thousand times more abominable in the eyes of God and of man, than the practice of selling human flesh in Germany—because accompanied with acts more profoundly cruel, and more deliberately inhuman. The voice of an immense majority of the whole nation has invoked the humanity of the House of Commons for the partial abolition of injustice—but in vain. It was told, that the Slave Trade was inhuman, impolitic, and unchristian. Eighty-eight only, out of 558, voted agreeably to the will of the nation for its abolition!!!—Did the remaining 470 mean thereby to sanction inhumanity and impolicy, and to oppose the Holy Christian Religion, the fundamental maxim of which is, ‘Do unto all men as you would they should do unto you.’ One melancholy fact, however, it has proved, that the sense of a majority of the people was not regarded in that House, and that Justice and Humanity are of no consideration, when put in competition with avarice, wealth and power. But what makes humanity more than shudder, one of the members of that House, who had his leg bit off by a shark, and whose life was saved by poor negro, declared, that he should vote *against* the abolition of the Slave Trade, because the Negroes consumed the refuse of our fisheries. Such marked ingratitude, such unfeeling barbarity, publicly avowed in the British Senate, instead of sending the author to prison for an abuse of speech, met with repeated applauses. And what grieves us more, we find, that this very man has been appointed, by your Majesty’s ministers, to superintend the provisionment of the army now carrying on the dreadful work of human slaughter on the blood-stained fields of Flanders.

“ So

“ So many bars having been thrown in the way to prevent the abolition of the Slave Trade, by those unfeeling barbarians, who, unblushingly, call themselves Slave Dealers, West India Merchants and Planters; so many obstacles having been opposed to the reclamations of humanity in favour of the wretched—we petition your Majesty, in whose hands is mercy, to recommend, or command, the British Senate immediately to abolish, in the fullest manner, and without any qualification, Negro Slavery in the West India Islands—because it is insulting to human nature in an age of reason and philosophy—because it tends to open wide the flood-gates of patronage, corruption, and dependance; inflames and stimulates the sordid passion of avarice, which is ever ready to feed ambition, to furnish the first means of engaging in ruinous, bloody, and destructive wars, by which courtiers are enriched and nations beggared—because its abolition will redeem the national honor, too long sullied by the trade of blood—because it will promote the cause of liberty, which is striding apace throughout all the regions of the world—because it will avenge peacefully ages of wrongs done to our negro brethren—because it will give to industry its just latitude—because it will put an end to injustice, impolicy, cruelty, avarice, havock, spoil, blood—because it will cover a multitude of national sins, and in the stead of national fasts, which are too frequently the dreadful preludes of blood and sorrow, it will be a national feast, grateful to God, and pleasing to man. It will extend the empire of benevolence, the brotherhood of the human race, and immortalize your Majesty’s reign, for having established, on their purest principles, the claims of Justice, and the Rights of Man.”

“ The above petition and the following resolutions were received with unbounded applause, and without one dissenting voice, except that the word *humbly*, which was several times used in the petition, was objected to, and on being put to the vote, was unanimously agreed to be expunged.

8. “ That we feel ourselves not only ashamed, but indignant, that the British government should be actively engaged in the traffic and slavery of human beings.

9. “ That as no compromise can be made between freedom and tyranny, between virtue and vice, justice and injustice, we think it our duty not to confine ourselves to the mere abolition of the Slave Trade, which would be sacrificing a right to a convenience, but to petition for the total emancipation of the Negro Slaves.

10. “ That the petition to the King, now read, for the total and unqualified abolition of Negro slavery, is approved.

11. “ That a congratulatory letter be transmitted to Thomas Walker,

Walker, of Manchester, on his victory over Church and King associations, and that the latter now read be approved.

12. " That the above petition and address be transcribed on parchment; and that they be forwarded to Earl Stanhope, and that he be requested to present the Address and Petition to his Majesty.

13. " That the thanks of this meeting are given to all those Juries, who, in these inquisitorial times, have acted like freemen in acquitting those of their fellow-citizens who have been brought to trial for speaking what they *thought*.

14. " That the proceedings of this meeting be publicly advertised, and transmitted to the friends of liberty, of justice, and of humanity, throughout the kingdom.

15. " That a voluntary subscription be immediately opened for defraying the expences attending these proceedings.

16. " That the committee of the Sheffield Constitutional Society be desired to see that the above resolutions be carried into effect; and that they prepare an Address to the British Nation, explanatory of the motives which have induced this meeting to adopt the resolution of no more petitioning the House of Commons on the subject of Reform."

" The above resolutions being passed, and a congratulatory letter to Thomas Walker, of Manchester, read, on his acquittal from an infamous prosecution at Lancaster, the meeting was dissolved.

" Notwithstanding the largeness of the company, so great were Henry Yorke's exertions, and so close the attention paid to him, that there was scarcely a person present who did not distinctly hear: many, indeed, we are told, who were not heretofore remarkable for their liberality of sentiment, have acknowledged themselves greatly enlightened by what they heard.—To shew the high sense entertained of Henry Yorke's services at this meeting, by the populace, he was no sooner seated in the coach which attended on him, than the horses were taken from the carriage, and the people drew him through most of the public streets in Sheffield, amid the acclamations of thousands:—which done, after a few admonitory words from the orator, every man went peaceably to his own home."

Mr. Garrow. (To Broomhead.) There was an Address to the British Nation published in this book; look at that Address?

A. Yes, this is the Address.

(The Clerk reads.)

" *An Address to the British Nation.*

" FRIENDS and COUNTRYMEN,

" We have this day decided, with the exception of only one dissentient voice, that the House of Commons shall never again be petitioned by us, on the subject of Parliamentary Reform.

" We owe to the nation, to posterity, even to foreign countries, and to the government itself under which we live, an exposition of our motives. To the nation we owe this duty, because we are of opinion, that *the will of the majority of the people should be, at all times, the supreme law*; and that if the *few* dissent from the opinion of the *many*, however obligatory the will of the majority may be to them as a rule of action, yet opinion is always free and sacred, the right of man to enjoy, and the conscientious duty of man to diffuse. Under the full conviction of this principle, we feel ourselves, *at present*, the minority, because we are the first to agitate the question, and to repel the monstrous idea of petitioning when our petitions are not received by the House of Commons. But, we are numerous—we are many thousands; and as nothing opens the eyes of men so much as their interests, we demand, fellow-citizens, nay, we are entitled to it from our numbers, that you lend an attentive ear to the truths we are about to utter, and to the reclamations we are about to make in favour of oppressed humanity. Harken unto our voice, for we think it will strike conviction; attend to our reasoning, for we know that your applauding sentiments will give solemnity to our measures, and consequence to our example. To posterity this duty is owing, because they will expect justice at our hands, liberty from our exertions, happiness and peace from the success of our cause. To foreign countries, because they will then form some estimate of the degree of confidence which we who live under the British government repose in it; and of the affection, respect and obedience, paid by our rulers to the *majesty of the people*. To the government itself, because it will discover, in our firm and manly tone of conduct, materials for serious and solemn debate. It will discover that the exercise of a power, underived from even magisterial authority, is totally repugnant to the genius of a legislative assembly, (which ought to be an emanation from the public will, and therefore obedient to it,) because it has a tendency to loosen the bands of subordination, and to weaken that reverence which should always be shewn to a government which regards the condition, and fulfils the mandates of its sovereign, *the people*. It will be taught a lesson, which is sanctioned by the testimony of both ancient and modern story, that when a government contemns the people, the people will in their turn condemn the government: it will be taught, that when there exists a want of confidence between the governors and the governed, confusion, the worst of national distempers, is the issue.

" Our petition was received with the utmost indignation by the House of Commons; which was no more than we expected.

We

We knew that the homely truths, we uttered, would be very unwelcome guests in that house. We never expected that a body in which there were so many placemen and pensioners, would listen to the palpable facts stated in that petition; the object of which was to root out injustice, and to curb licentiousness and corruption. Nevertheless, as we were called upon by our countrymen to unite with them, we thought ourselves bound to comply with their wishes. And although our petition was disdainfully rejected, because not couched in language sufficiently polite and respectful for the *five hundred and fifty-eight Gentlemen* who sit as the House of Commons, yet, believe us, *Fellow-citizens*, we are still of opinion, that the matter it contained, was not only just and proper, but, we think, that even the language, which gave so much offence to the *honorable Gentlemen*, was much too polite and too moderate for us. For, if the House of Commons were the real Representatives of the people, we certainly had a right to *dictate*, and not to *petition*, because they could be considered in no other light than as the organs of the public will. And, if they refused to obey that will, they would be usurpers, and not representatives. If, on the contrary, they are not the representatives of the people, what have we to do with them? If they are not our representatives, we cannot be their constituents; and to *petition* those who are not our representatives as our representatives, would be a manifest absurdity, if not an insult and mockery of ourselves. However, the petition, such as it was, being termed disrespectful, was thrown out by a majority of 79, there being 29 only who voted for its being received, and 108 who voted against it. Such imperious treatment rather gives *warning*, than strikes *terror*. The abuse of representation can never come in the place of a rule, for no legal power can be derived from injury or injustice. On this ground alone, therefore, we are justified in preserving a fullen silence in respect to the House of Commons. For, if grievances, abuses, complaints, and truth, are to be discarded from that House, because not dressed in a *gentleman-like* language, how are we, plain mechanics, ever to obtain redress, who are not *gentlemen*, and who are, consequently, ignorant of those polite and courtly expressions which are necessary to gain a hearing in that House. We are ignorant of the art of displaying truth by halves, and, as we love plain dealing ourselves, we detest hypocrisy in others, and pity those who would wish us to follow their example.—We said to the House of Commons, we are wronged and aggrieved—will you right us, and redress our grievances, or will you not? If you will, we shall be satisfied; if you will not, we shall seek redress some other way.—This is the sole question with us, and we put it, as

we thought, in a most becoming style to the House of Commons. But, our *petition* being scouted, we shall trouble them no more with our coarse and unmannerly language. It will be our duty to proceed, as we have uniformly done hitherto, in enlightening the public mind; and, when a complete revolution of sentiment shall take place (as will shortly be the case) in our country, we shall open our mouths, in that key we think most agreeable to ourselves. And our voice, together with that of our disfranchised countrymen, will resemble, perhaps, the thunderings from Mount Sinai!"

WILLIAM BROOMHEAD, cross examined by Mr. GIBBS.

Q. You was saying about the time these pikes were talked of, there had been a mischievous hand-bill put about for the purpose of provoking the members of this society as you suppose, can you tell what were the terms of that hand-bill?

A. I had one of them in my hand, but I cannot speak directly of every thing it contained.

Q. I don't ask you to speak to every thing it contained, but what was the general substance of it?

A. It was a call upon the people to arm against foreign and internal enemies; and the reply that was made to it was couched in the same language.

Q. At what time was this published, was it before or after this meeting?

A. I do not recollect the exact time, but I read them both; I should have been happy to have had them both here.

Q. The object was to provoke the people?

A. It was given out about the town of Sheffield, we can never do any thing against these people till we ourselves cause a riot; I saw myself several persons ride up and down and through the market place full gallop, to ride over the people.

Q. Then the cry was, that they could not do any thing with you without causing a riot against you?

A. It has been said so, but I cannot recollect the people that said it, but this wicked hand-bill being spread about, and if I had thought of this, I would have brought it here; and this was the cause of the arms first being spoke about.

Q. So I understand. This you say was the occasion of arms being first talked of, now let me ask you from all this, from whom you ever heard any conversation respecting these arms, the pikes, were they intended for making any attack against any power in this country; or only for defending yourselves against any attack?

A. I never understood them in any other light; all that ever I heard about them was in reference to this wicked hand-bill.

Q. I un-

Q. I understand that the conversation of the pikes, and the production of them, was in consequence of this hand-bill; what I want to know is this, whether those who talked of these pikes, and attempted to produce them, whether you ever recollect from them that they meant to attack or to defend yourselves being attacked?

A. This was the very truth.—It was to oppose illegal force, direct violation of the law of the land made upon us, as was the case in Manchester and Birmingham.

Q. Then they were meant only to be used on the defensive?

A. Yes; and Mr. Gale had this hand-bill in his hand when he mentioned it, and there was an advertisement in Mr. Gale's paper about it the week after, a direct answer thereto; I would have brought them both with me, if I had thought any thing of this.

Q. Had any of the people in this society, to which you belonged, any idea of altering the government, doing without a King and House of Lords?

A. I think they ought to have been sent to Bedlam if they had.

Q. Had you, as one of that society, any such intention yourself?

A. Just the same as flying to the sun.

Q. Speak plain.

A. No, no; I had never such a thought in my mind.

Q. What was it you wished to produce by these meetings of yours?

A. To enlighten the people, and shew them the ground of all their sufferings and complaints; when a man works hard for a week through, thirteen or fourteen hours in a day, and yet cannot maintain his family.

Q. Was not the object of your meeting a Parliamentary Reform?

A. Yes, it was, and as such we corresponded with the Society of the Friends of the People as well as the Constitutional Society.

Q. Who were the members of the Friends of the People?

A. I do not directly know the secretary. I know several communications were received from that society.

Q. Mr. Stuart, I believe, is the secretary?

A. Yes.

Q. Should you have continued a member of this society if you had thought they had intended to have attacked the King or the Lords, or had an idea of deposing the King from his throne?

A. No, I would not.

Q. Should you not have abhorred such an idea?

A. Yes,

Q. Have

Q. Have you any reason to believe that any single member entertained such a notion?

A. I do not believe there is such a wicked man amongst them.

Q. The object of your meeting, you say, was to state to the people the grounds of certain evils you conceived to exist, and you wished to bring about a Parliamentary Reform; where was that Parliamentary Reform to be—in the House of Commons?

A. Yes.

Q. You meant that the King and the Lords should remain as they were?

A. Yes.

Q. Did you believe, and was that the ground upon which you acted, that a Parliamentary Reform would do away those evils in the House of Commons?

A. That the King, and the Lords and Commons, with the concurrence of the nation, might reform them things themselves. As to we reforming the Parliament, we pretend in Sheffield! we had not the vanity to think of such a thing.

Q. Do I understand you right, when I suppose this to have been your principle, that you thought the King and the House of Lords, with the Commons so reformed, would redress all your grievances?

A. Yes.

Q. Your object was to obtain it peaceably?

A. Yes, and there is no man doubts it in Sheffield.

Q. Was it your own object?

A. It was.

Q. Have you any reason to think it was the object of any other man in the society at Sheffield to use any thing but peaceable means?

A. Not to my knowledge; what persons might do if a convention had been called, I do not know what wicked people might have done;—we cannot answer for their wickedness.

Mr. Garrow. Repeat that again.

A. If there had been a convention, those societies who sent them, I suppose, would have put confidence in them, and in their consultations, supposing them to be more competent to devise and direct the means to the end for a Parliamentary Reform. I understood it in that light.

Mr. Gibbs. When that meeting was held, to be sure, no man can answer for the acts of those who should compose it—certainly not.

Q. Had you any reason to suppose that those whom you should have sent to that meeting would have acted peaceable?

A. No, we should not have sent any else.

Q. And

Q. And you have no reason but to think that others would have so acted?

A. No, we have no reason to think otherwise at all.

Q. When national representation was talked of by Mr. Yorke at this meeting, was it not meant the representation of the people of England in the House of Commons?

A. I always understood it so.

Mr. Garrow. This conversation between you and my friend makes it necessary, that I should put a question or two to you. In the first place I wish to ascertain whether I took you correctly; you meant, and as far as you understood your society, meant to produce a Reform in the Representation of the Commons House of Parliament by peaceable means?

A. Yes.

Q. But you apprehended that when you should depute your delegates to a convention, that you trusted to that convention, and that when they were met, you could not answer for what they might do, not being able to answer for the wickedness of individuals. Did I take you correctly?

A. Yes.

Q. For the purpose of obtaining this object, a Parliamentary Reform, you say you corresponded not only with the Constitutional Society, but with others, the Society of the Friends of the People. Did you know the answer that that society returned to your communications as early as the 26th of May.

A. I do not recollect.

Q. Do you know a person of the name of Ashton?

A. Yes.

Q. Did he ever act as secretary to your society?

A. Yes.

Q. Do you recollect Ashton writing, by the direction of the society, or your committee, a letter—I ask you whether you do not know, that on the society of the Friends of the People returning some answer to your society, that your society wrote a letter to the secretary of the Constitutional Society, disclaiming all connection with the Friends of the People, as not fit for their purpose; did he not?

A. Disclaiming this, I do not deny, but I do not know of a certainty, that he did, because great part of the time that he was secretary I was not in the society?

Q. Was this measure of discarding the Friends of the People as not fit for your purpose, discussed in your society at any meetings?

A. Yes, it may have been.—I do not recollect it was.

Q. Was it in any of your divisions, or was it any meetings of your division?

A. Yes,

A. Yes, it may have been.

Q. Was it in any meetings of your society discussed, the propriety of having nothing further to do with these men, the Friends of the People, because they would not go lengths to make them fit for your communication?

A. It was discussed.

Q. Was the consequence of that discussion, your writing to the Constitutional Society, that the Friends of the People were not fit for your purpose?

A. I do not know of such a letter being communicated.—No such a letter received.

Q. I do not ask you whether you know such a letter was received or sent; but I ask you whether the result of that deliberation was not, that they were unfit for the communication of your society?

A. I am not certain it was the determination of that meeting. I rather think it was determined afterwards.

Q. Did Mr. Yorke take any part in that discussion?

A. No, he was not there, I think.

Q. Who were the parties that engaged in that discussion of the misdemeanour of the Friends of the People?

A. There were several persons said something at that meeting, among whom I was one.

Q. Have you read the declarations published by that society called the Friends of the People?—Doubtless you have for your information.

A. I believe I might.

Q. Do you not know, that in language, to which I can do no justice, they declared their firm intention by all constitutional and proper means to produce that very thing, which you state to have been your object, a Reform in the Commons House of Parliament?

A. A great number of people did not believe them to be honest.

Q. Perhaps the language was too fine to believe it honest; however, they had made this profession

A. Yes, there was something of that.

Q. But that you did not quite believe?

A. No, a number of them did not.

Q. Was that as early as the 26th of May, 1792, that you disclaimed the communications of this society of the Friends of the People?

A. It may, I think it was about that time.

Q. That was long before Mr. Yorke came among you upon his last motion?

A. Yes, it was.

Q. And

Q. And of course long before all these discussions ?

A. Yes.

Q. Now be so good as tell me a little more distinctly what this mischievous hand-bill was that excited you to arms ; I think it was calling upon the people to arm against foreign invaders and domestic enemies ?

A. Yes, I think it was ; and upon the consultation at the meeting, when arms were spoken of, it was determined in several resolutions to get these arms for the same purpose in reply to that hand-bill.

Q. Did you adopt that hand-bill, and arm in consequence of it, or was you alarmed from its unconstitutional injunction, or did you arm ?

A. I never did.

Q. In what terms was your reply couched ?

A. Their words were taken and put into resolves, and put in Gale's paper the next week, to arm against foreign and internal enemies of the present government.

Q. The reason of this was, because you was afraid of illegal force being used against you, as had been done at Manchester and Birmingham ; did you apply to any magistrate to protect you ?

A. No, nor did those people that published this.

Q. Will you be so good to answer my question ; did you, upon those alarms which were communicated by this wicked hand-bill, lay your complaints before any magistrate, or apply for protection to the civil power ?

A. No, not to my knowledge.

Q. But, on the contrary, published resolutions for arming ?

A. To this purport, couched in their words.

Q. You had no intention at all of altering the government, but of applying to the House of Commons to redress the grievances under which the people suffered ?

A. I always understood it in that light.

Q. How early was it that you came to the resolutions in your society to petition them no more, and that they were too fine gentlemen for you, and that your language was not fine enough to please their courtly ears ?

A. These articles and resolves were drawn up by Gale and Yorke, and therefore were winked at, thinking they were better judges, out of complacency, supposing them to have superior knowledge.

Q. And you, who were too rough for the House of Commons, were courtly enough to pass these resolutions to please Mr. Yorke and Mr. Gale ?

A. Viewing them to be men of understanding.

Q. After having determined to petition the House of Commons no more, the next step was to procure a convention, and by the delegates to procure a full, free, and fair representation?

A. There was at first a motion to petition the King.

Q. That was about the Slave Trade?

A. Yes, and about a Reform too.

Q. Whether this forms a part of those resolutions which you passed upon the subject of arming, "that the landing of Hessian troops in this country, a ferocious and unprincipled hord of butchers, without consent of Parliament, has an alarming and suspicious appearance, and is contrary to the spirit of our constitution," when you printed the hand-bill was that passed?

A. That was passed when the lecture was read,

Q. That was passed long after the hand-bill?

A. No, long before.

Q. "That it is high time to be upon our guard, since these armed monsters may in a moment be let loose upon us, particularly as the erection of barracks throughout the kingdom may have only been an introduction to filling them with foreign mercenaries," was that the other resolution that you passed before the hand-bill?

A. Some time before, I cannot say how long.

Q. Will you be so good as to tell me, as you were to arm at Sheffield, very properly for the sake of preventing attacks upon you, whether you communicated your plan of arming or of communicating your instruments to any other parts of the kingdom?

A. I did not, nor do I know that any body else did.

Q. I ask if you do not now know that your society communicated the plans of arming, the mode of procuring the instruments, and the models of the weapons?

A. I never heard a syllable of it till I was informed of it by the gentlemen of the Privy Council.

Q. Then if Davidson, in the name of the society, sent such a letter to any society at London, you was not informed of that secret?

A. No, I was not.

Q. If such a thing was done, you was not informed of it?

A. I was not.

Q. You know Davidson very well?

A. Yes, some little time.

Q. He was a member of the society?

A. Yes, I suppose he was.

Q. You have told me there was no man in Sheffield foolish enough to arm; do you include Davidson in the number of those whom you say were not to be found in Sheffield with any kind

kind of intention against the Government, or against his Majesty's person ?

A. I will say this, that he did it without the knowledge of the society ; he did it without my knowledge.

Henry Alexander called, but not answering immediately,

Mr. Attorney-General proposed, while this witness was coming, to read part of the publication concerning the fast day, and how it was kept at Sheffield.

(The Clerk reads the fast day.)

“ FAST DAY AS OBSERVED AT SHEFFIELD.

“ *A serious Lecture delivered at Sheffield, February 28, 1794. Being the day appointed for a general fast ; to which are added a Hymn and Resolutions.*

“ *Resolved Unanimously,*

1. “ That war, the wretched artifice of courts, is a system of rapine and blood, unworthy of rational beings, and utterly repugnant to the mild and benevolent principles of the Christian religion.

2. “ That if the present war, be a war of combined Kings against the people of France to overthrow that liberty which they are struggling to establish, it is, in our opinion, a war of the most diabolical kind.

3. “ That when public fasts and humiliations are ordered with the same breath, which commands the shedding of oceans of human blood—however they may answer the purposes of state policy—they are solemn prostitutions of religion.

4. “ That the landing of Hessian troops in this country (a ferocious and unprincipled hord of butchers) without consent of Parliament, has a suspicious and alarming appearance, is contrary to the spirit of our constitution, and deserving of the marked indignation of every Englishman.

5. “ That it is high time to be on our guard, since these armed monsters, may, in a moment, be let loose upon us ; particularly, as the erection of barracks throughout the kingdom, may only have been an introductory measure to the filling them with foreign mercenaries.

6. “ That the high and freeborn minds of Britons, revolt at the idea of such a slavish system, and cannot be so far broken as to kiss the hand which would chain them to its will.

7. “ That peace and liberty are the offspring of Heaven, and that life without them is a burden.

8. “ That the thanks of this meeting are due to Earl Stanhope, for his motion and spirited speech for acknowledging the French Republic, and restoring peace to our distressed country ; for his motions and able speech in behalf of the persecuted and suffering patriots, Mess. Muir, Palmer, Skirving and Marga-

rot, in which he nobly stood alone; and also for the whole of his truly animated and benevolent exertions in support of the injured *Rights of the People*.

9. "The thanks of this meeting are also due to Mr. Sheridan, for his nervous and eloquent speeches in the cause of injured patriotism, and in support of the constitution; and also to every other member of Parliament who has nobly stood forward at this important crisis, in support of the constitutional liberties of Englishmen.

10. "That if any thing had been necessary to have convinced us of the total inefficacy of argument against a ministerial majority, the decisions which have lately taken place in Parliament, would have fully confirmed our opinion.

11. "That, therefore, the people have no remedy for their grievance, but a *Reform in Parliament*—a measure which we determine never to relinquish, though we follow our brethren in the same glorious cause to *Botany Bay*.

"W. CAMAGE, Chairman."

Mr. Garrow. Now read Mr. Camage's lecture.

(*The Clerk reads.*)

A SERIOUS LECTURE.

"In every age of the world, the cause of truth has always met with its opposers, whenever it chanced to clash with the interests of a venal tribe of *Kings, Courtiers, Priests*, and their *accomplices*. By reading over the 18th chapter of *1. Kings*, we find that this was the case; yet the Almighty was pleased by an act of *Omnipotent Power*, to overturn the malice and wicked intentions of that infamous tyrant Ahab, and the satellites who surrounded him: for, in the presence of them all (though it made against them). Truth shone forth with redoubled splendour; and the very judgment which Elijah would probably have met with, had not God been for him, fell on those abominable *deceivers of mankind*.—I refer you to the chapter itself, and without further introduction, I shall make a few remarks on the events of that period, as it must be obvious, to every ingenious mind, that there is a great similarity betwixt the conduct of the rulers of that day and those of the present: therefore it may be needful to observe.

"First. Baal's priests could not possibly succeed, because he to whom they prayed could not help them. Baal, being a name given to an heathen God, who had no existence, except in the imagination of his devotees. And 2dly, they had a bad cause in hand, therefore, were not likely to prevail; no motives to induce them but pride; no appetites to serve but what were sensual and devilish, so that if they had offered sacrifice to the true God, in a bad cause, they would not have obtained their end

end—for ‘the ears of the Lord are not open to the cries of the foolish, but unto the wise.’

“It is in this point of light, I view with concern, a combination of Kings apparently leagued against the cause of freedom; a combination which I believe to be odious in the sight of heaven, although for its support we are commanded a second time from the throne, (not of God) to fast and pray for the success of our arms over our brethren, who are struggling for every thing that is dear to man, and which is the will of God he should be possessed of—*Liberty, civil, political and religious*. Life without them is a burden. To pray then, for a re-establishment of despotism, tyranny, and oppression (which we do if we pray to conquer *freemen*) would be to mock Heaven, to insult his divine Majesty, to pour contempt on his word, and in the heart to say, ‘Who is the Lord, that we should obey him?’ Oh! ye, who fill the throne of power, tremble at the thought of approaching your Maker with a lie in your right hand; tremble at approaching the God of Peace, when *war* and *bloodshed* are your views. ‘Be not deceived, God is not mocked; for whatsoever a man soweth, that shall he also reap.’

HENRY ALEXANDER sworn, examined by Mr. Wood.

Q. Was you a member of the London Corresponding Society?

A. Yes.

Q. How long is it since you first became a member?

A. The latter end of the year 1793, I do not know the week.

Q. What division was you of?

A. The twenty-ninth.

Q. Did you meet at Robins’s coffee-house?

A. Yes, in Shire-lane.

Q. How many might your division consist of?

A. I think I was the ninety-fifth member when I went in.

Q. Did you know Mr. Yorke?

A. Yes, by sight.

Q. Was he a member of the London Corresponding Society?

A. He became a member while I was there.

Q. Do you remember his being with you the latter end of 1793, at Robins’s coffee-house?

A. Yes.

Q. What number of people might there be assembled at that time?

A. I suppose there was between sixty and a hundred; the room was quite full.

Q. Did Mr. Yorke tell you whether he was going to leave you or not?

A. The

A. The last night he was there he did ; the last night he was at that society he took leave of them by a long speech ; he said he was going to Belgium.

Q. Did he say for what purpose ?

A. Yes, he was going to head the French army, which would be ripe by Christmas.

Q. Repeat that ?

A. That he had received a letter from a friend of his at Belgium, that they would be ripe by Christmas.

Q. Ripe for what ?

A. For a revolution.

Q. Did he say whether he meant to return to England again ?

A. He did.

Q. What more did he say ?

A. He said he was in hopes he should come at the head of them into England.

Jury. Where was he to come to ?

A. To London.

Q. Mr. Alexander, you say he made a long speech upon his taking leave ?

A. Yes.

Q. Will you be so good as to tell us what he said in making that speech, the substance of it ?

A. The substance of it was, that he had received a letter to go over to them, and that he had the honour of being a Member of the National Convention of France, and hoped he should have the pleasure of coming here either at Christmas or the beginning of the year, and that he should see that society all ready to join them ; and that he was in hopes that Mr. Pitt, and the different ministers he mentioned, and the King's head, would be upon Temple-bar.

Lord President. That who would join him ?

A. That the society would.

Q. Whose heads were to be upon Temple-bar ?

A. Mr. Pitt's, mentioning the ministers and the King.

Q. Will you recollect as much of the statement as you can ?

Jury. What time did this meeting take place ?

A. Upon the 5th of last November, 1793.

Mr. Wood. Did he say any thing about the King and Queen of France ?

A. Yes, he did, but I cannot recollect the words now.

Q. But try and recollect the substance ?

A. He said they had met with their desert, it was what they deserved.

Q. Did he say any thing to you about the war ?

A. I do

A. I do not recollect that he did.

Q. Did he say any thing to you about the Sans Culottes?

A. He did make mention of them; they were a set of brave fellows; he said a deal about them; but I cannot recollect further.

Q. Do not you recollect what he said besides?

A. I do not.

Q. Did he say any thing about arms?

A. He did.

Q. Be so good as to tell us what he said about arms?

A. He said, when he came he hoped they would be ready to join; and that he hoped when the time came, they would not cringe or shrink from what they pretended to be: he said it was impossible to do any thing without some bloodshed.

Jury. Who do you mean by they?

A. The society he was speaking to.

Mr. Wood. What did he say about bloodshed?

A. He said there would be no good done without some bloodshed.

Q. Did he say any thing to you about Sheffield, or the people of Sheffield?

A. He said there was a set of brave men there.

Q. Did he tell you how or in what they were brave?

A. I cannot say that he did.

Q. What more did he say about the Sheffield men?

A. I do not recollect.

Q. Where was the blood to be shed?

A. He did not say.

Q. Did he say any thing about bread and cheese, that you recollect?

A. There was such a thing mentioned in the society one night before. A person came in from Sheffield, and said they had pikes made at Sheffield for sixpence apiece; another made answer and said, it would be a good notion for them to have the same, and that it would be only living upon bread and cheese for one day.

Q. Was this the preceding night?

A. No, it might be two or three nights before.

Q. How was Mr. Yorke's speech received amongst them?

A. They all appeared unanimous, and rose and shook hands with him when he got up and left the room.

Lord President. Did you see Mr. Yorke any more?

A. No.

Q. Do you know where he went?

A. No.

Mr. Wood.

Mr. Wood. Did you continue with the society after that night, or did you leave it?

A. I went after that to Mr. Dundas's office, and after that to the Lord Mayor, Sir James Sanderson.

Q. Look at that; have you ever seen any bills like that before?

A. No, I never saw this before.

Q. Why did you go to the Lord Mayor or to Mr. Dundas?

A. Because I thought it was proper Government should know what they were proceeding upon; immediately I knew what they were I went and told them.

Q. How came you first to go there?

A. At first I went with Mr. Smith, a delegate. I was asked if I would be made a member; I did not know what it was; I agreed to be made a member, not knowing what it was.

Q. How long was you there?

A. I think I was there seven times.

HENRY ALEXANDER cross-examined by Mr. ERSKINE.

Q. What are you?

A. A Linen-draper.

Q. Where do you live?

A. At the Rose, in Fleet-market. I am a servant at present.

Q. What time did you first go with your friend to this society?

A. Towards the latter end of the year 1793.

Q. Did you go there for the purpose of being a member?

A. I did not, though I became one.

Q. What did you go for the purpose of?

A. I went for the purpose of going to the club; my friend asked me to go with him to a society, and I went.

Q. Who is this friend?

A. Mr. Whitehall; he said Mr. Smith had asked him frequently.

Q. You went there out of curiosity, it may be?

A. It was nothing else.

Q. Was Mr. Yorke there?

A. No.

Q. Who might be there that first night?

A. Smith was there as delegate, Ashley was there, and Baxter was there; these were all I knew by name.

Q. What day of the month was it?

A. I cannot say.

Q. What day of the week?

A. Tuesday.

Q. What month?

A. I cannot say.

Q. Try,

Q. Try, you may by thinking a little ?

A. I cannot.

Q. Did you hear any thing that offended you that night ?

A. Nothing at all.

Q. How long did they sit ?

A. Till twelve o'clock, and some of them until one o'clock.

Q. What did they converse about ?

A. They had papers of different kinds ; Mr. Smith in general used to bring papers of some kind.

Q. Were they read ?

A. I believe there was something read by Mr. Smith.

Q. Did you become a member that night ?

A. Yes.

Q. Then you approved, I suppose, of what you heard ?

A. As soon as we got in the room we sat down. Mr. Smith asked immediately if I would become a member ; he asked Mr. Whitehall ; he read something to me, but I did not pay any attention to what it was.

Q. Whitehall went out of curiosity too ?

A. I do not know what purpose he went for.

Q. When did you go next, afterwards ?

A. I do not know whether I went next night or no ; I missed two or three times ; I attended seven times.

Q. You very soon became a convert ; you say that immediately upon Mr. Smith's starting up you became a member ?

A. Yes.

Q. Was Mr. Yorke there the second time ?

A. No, he was not.

Q. Who was there the second time ?

A. Mr. Smith was there as delegate.

Q. Did not you, after you became a member, become acquainted with the people there, by conversing with them, by going there ?

A. No, I spoke to Ashley two or three times.

Q. Then you became a member to propagate their doctrines ?

A. No.

Q. When you became a member you went for the purpose of becoming a spy ?

A. After I was there I went as a spy.

Q. Did you wish a Reform in Parliament ?

A. I did not.

Q. Then, if you did not wish for a Reform in Parliament, why did you become a member of that society but for the purpose of becoming a spy ?

A. When I became a member I did not know what they were.

Q. Did not you know they were a society for Parliamentary Reform?

A. Yes.

Q. Did you wish Parliamentary Reform when you became a member, when you heard that paper read the first night?—Did you wish a Parliamentary Reform, or any alteration in the House of Commons, or in the government in any way, upon your oath? Look to those gentlemen; upon your oath, when you joined that society, did you wish to have an alteration in the government. (*The witness hesitated.*) Cough it up; come, answer me that upon your oath, were you acquainted with Mr. Dunn, of Manchester?

A. No, I thought they were.

Q. I should have thought you was. Why do not you answer that question, Sir, when you know there is the life of an individual standing at the bar at stake?

A. I do not understand you.

Q. I am sorry for it. Did you wish Parliamentary Reform, or any alteration in the government, when you became a member of that society?

A. I never wished any thing of the kind.

Q. Then, upon your oath, why did you become a member of such society, if you wished nothing of the kind?

A. The reason of my becoming a member was, that when I went in Mr. Smith asked Whitehall if I would not be made a member? I said no, I had better not to-night; but Mr. Smith urged him on, and then somebody got up, and read something from a paper, I did not understand what he read; they gave me afterwards what they read over, and a ticket.

Q. And then you read it?

A. I do not know that I read it that night.

Q. Did you read it before you went there again?

A. I did.

Q. Then of course as you carried home the paper that was read to you at the society, and going again afterwards, you must have approved of it before you went the second time?

A. No, I did not; I read it to two or three of my friends, and they were of the same opinion with myself.

Q. What is become of the paper?

A. I left it at Mr. Dundas's office.

Q. Then of course you went the second time for the purpose of being an informer?

A. Yes, I did; I went to see what they were upon.

Q. Upon your oath, between the first and the second time that you went to that society, or before you went there at all, had you been desired by any body to go for that purpose?

A. No,

A. No, I had not.

Q. Then you went of your own free will, for the purpose of being serviceable to the public in going there?

A. The second time I did.

Q. Then of course when you went there the second time you pretended to be a friend, and approved of what was going on, and acted as a spy?

A. So I have proved at last.

Q. You went there the second time in order to be one?

A. I went there in order to see what their plan was; what was the real ground of it.

Q. Did you take down any minutes upon paper?

A. No, they would not suffer it.

Q. You went the third time again?

A. Yes.

Q. Was it then Mr. Yorke talked of the pikes?

A. No, it was not.

Q. In the course of attending these seven times, they met weekly, did not they?

A. Yes, every week.

Q. That would extend for the course of two months almost?

A. Yes.

Q. Of course you can tell what month it was in?

A. I cannot. It was in the year 1793.

Q. Was it winter or summer?

A. Towards the latter end of the year.

Q. How long before Christmas, think you?

A. I cannot say.

Q. You can recollect pretty near; you know within seven weeks?

A. I recollect the day that Yorke made a speech; how long it was before that I cannot say; I attended twice after I had been with Mr. Dundas.

Q. Pray, Sir, should you know the persons that you saw that attended this meeting at the end of this year?

A. I could not swear to them.

Q. Did you know the countenances of the people; were they generally the same people, or different people?

A. They were different people, they came from different divisions.

Q. How many of the people in that room got up and shook hands with Mr. Yorke when he had stated what you have said he stated about bloodshed and arms?

A. I cannot say exactly; the room was as full as it could hold; upwards of sixty, between that and a hundred.

Q. Where was that?

A At a coffee-house in Shire-lane.

Q. And they all shook hands with Mr. Yorke in applause and approbation of what he had said?

A. They did.

Q. Was that when he was going to Belgium; was Belgium the word he made use of?

A. It was Belgium or Belgiam, I never heard the name before.

Q. Then of course that was the word he used; and he was going to head the French army?

A. He said he had received a letter from a friend of his, that they would be ripe by Christmas.

Q. Mr. Alexander, you are a lover of your country, no doubt, merely?

A. Nothing else.

Q. Nothing else; you had no other reason for going among this society?

A. No other reason.

Q. Then you went voluntarily?

A. Voluntarily.

Q. Without having been employed or desired by any body?

A. There were three of my friends I mentioned it to, who said they thought I should do very right in giving the information.

Q. Who are they?

A. Mr. Broughton, Mr. Briand, and Mrs. Grefwood, a widow woman in Leather-lane.

Q. How long have you been in business for yourself?

A. I am not in business for myself: I am not in a situation at present.

Q. I believe you are in a very singular situation: what do you mean by not being in a situation?

A. I am not in employment.

Q. How long is it since you was in employment?

A. In May last.

Q. Where did you live?

A. In Moorfield.

Q. Where there?

A. At Mr. Killeby's, No. 14, Finsbury-place, Moorfields?

Q. What is Mr. Killeby?

A. He is a linen-draper. He was then, but he has since let his shop to another.

Q. How long did you live with Mr. Killeby?

A. Five months.

Q. When was it you went to him?

A. I went to him in December, and left him in May.

Q. You

Q. You came to him in December as shopman

A. Yes.

Q. Where did you live before that?

A. At Mr. Faulding's, a linen-draper, Holborn-bridge.

Q. Did you live long there?

A. I lived there almost two years.

Q. Since you left this Mr. Killeby, have you been applying for any other business?

A. Yes, I have.

Q. What sort of business have you been applying for?

A. For the same.

Q. It is a long time in this town, where there is so much linen and calico, to be out of business; who have you applied to?

A. To different people.

Q. Let us hear who they are?

A. Twynam and James, in Holborn.

Q. Who else?

A. I applied to another person who has just opened shop, Mr. Marley, in Holborn, and him I agreed to live with, No. 320, facing Gray's-Inn-lane.

Q. How came you to leave him?

A. I was obliged to leave him in consequence of attending here.

Q. So you have lost your business by attending here?

A. Yes.

Q. You are a very good patriot indeed; so for the good of your country you gave up your business with Mr. Marley?

A. Yes.

Q. How much was he to give you?

A. Twenty-five pounds a year.

Q. How long ago is it since you entered into the engagement with him?

A. It was some time before he opened his shop, I do not know when he opened his shop; I think he opened shop the 22d of last month.

Q. How long was it before he opened shop that you entered into this agreement with him?

A. I cannot say that.

Q. I am really very sorry for that; was it a day, two days, or more?

A. Considerably more than that.

Q. How long?

A. I believe it was the latter end of July, or beginning of August.

Q. When

Q. When did you go to tell him that you could not go on with this agreement?

A. I told him the day after I had the subpoena; I had the subpoena last Tuesday fortnight.

Q. Who subpoenaed you?

A. Mr. Wood.

Q. And was you told it was necessary you should give up your employment for that?

A. No.

Q. Did you ask whether you might live with this linen-draper, and come when you was wanted?

A. No.

Q. Did you apply to the Solicitor of the Treasury, and tell him that you had entered into this engagement?

A. No.

Q. Then you gave up your engagement totally because you was wanted half an hour at the Old Bailey?

A. No other reason.

Q. Did you ask Mr. Marley if he would consent to take you as his shopman, and allow you to come here to give evidence?

A. No, I never did; I thought it would be such a continuance.

Q. Have you any idea that Mr. Marley would have hindered you from obeying the King's writ? Then you mean to tell the Jury, that having entered into an engagement with Mr. Marley to receive twenty-five pounds a year, you put yourself out of employ without asking Mr. Marley, or the attornies who subpoenaed you, whether it was necessary?

A. Yes.

Q. Then how have you maintained yourself since you put yourself out of this employment?

A. I only left him last Friday, I said I was going out of town.

Q. Why did you speak to Mr. Marley about going out of town?

A. Because I expected to go down to Sheffield about Mr. Yorke, as soon as this was over.

Q. What made you expect to go down about Mr. Yorke, after this is over?

A. I only surmised it in my own imagination.

Q. Had any body else told you you was to be employed upon that errand, after you had done this job?

A. No.

Q. Then what made you think you was to go down to Sheffield after Mr. Yorke; look at the Jury; don't look so much at me, I have seen enough of you.

A. I was

A. I was informed that he was expected to be tried the last Affizes in Yorke.

Q. Who told you so?

A. Mr. White.

Q. You told me before, you did not know you was to go down?

A. It was only a surmise of my own mind.

Q. You have not sought out for any employment since?

A. No, I have not.

Q. Where did you live before you lived with Mr. Killeby?

A. With Mr. Faulding.

Q. Where did you live, Sir, before you lived with this Mr. Faulding?

A. At Mr. Smith's in Cheapside.

Q. How long is that ago?

A. That is between four and five years ago.

Q. How long did you live with Mr. Smith in Cheapside?

A. Eighteen months, I believe.

Q. And you left him five years ago?

A. I left him and went in the country to see my friends that were at the town of Fishford, six miles from Salisbury.

Q. Who were your friends you went to see there?

A. My aunt.

Q. What is her name?

A. Alexander.

Q. How long did you stay with her?

A. Eleven months.

Q. When you had paid your affectionate respects to your aunt, what did you do when you came back, before you went to Mr. Faulding?

A. I went from my aunt's to Mr. Faulding.

Q. That cannot be, because it is five years ago?

A. It is between four and five years ago.

Q. When you had paid your affectionate respects to your aunt, where did you go next; you lived eighteen months with Mr. Smith; then you went to your aunt and staid eleven months; when you came back where did you live before you went to Mr. Faulding's?

A. With another aunt in old Bedlam, the other side of Moorfields.

Q. Her name is Alexander too, is it?

A. No, Simpson.

Q. How long was you there?

A. I do not know, a considerable while.

Q. A considerable while, that you know is a very vague thing?

A. It

. It is impossible for me to say how long it is,

Q. From the time you came back from your aunt in the country, did you live with your aunt in Old Bedlam till the time you went to Mr. Faulding's; try and recollect the time that you came back from your aunt's in the country, I do not want to hurry you?

A. I went to Mr. Smith's from the country, and then when I left Mr. Smith I went to my aunt in Old Bedlam, and after that to Mr. Faulding.

Q. You have thrown me out now entirely; I am quite lost, I must take it down. How long is it since you left Mr. Smith? do not hurry yourself.

A. I do not know exactly—about four or five years.

Q. What did you leave Mr. Smith for?

A. We had some words.

Q. What might the words be, think you?

A. I cannot recollect.

Q. Now try; you have an excellent memory, you repeated the whole speech the man made at the meeting, but you cannot remember the words between you and your master; try, I wish you would look at those gentlemen, they are very good-looking men; look across.

Lord President. Why do not you give an answer?

A. I do not remember the words.

Mr. Erskine. I do not ask you what you said to your master and he said to you, but what was the quarrel about, because you must have a strange memory if you do not recollect, for a gentleman who is to repeat a whole speech; now do recollect the nature of the quarrel between you and Mr. Smith.

Mr. Attorney General. This witness has not repeated a whole speech of Mr. Yorke's.

Mr. Erskine. Will you be so good as to tell what you quarrelled with Mr. Smith about?

Lord President. Give him fair play, that is all. Do you recollect, or do you not recollect; if you do, you are afraid to tell it?

Mr. Erskine. There is fair play on both sides. Do you or do you not recollect what was the cause of the quarrel you had with your master?

A. Some words that happened between the shopman and me, and that caused words between me and my master, and then we parted.

Q. What was the nature of the quarrel (now you see you begin to recollect it) that happened between you and that shopman?

A. We

A. We had words, and he becalled me—I was hot as well as he; we called one another fools; I do not know whether we did strike one another, and my master turned me away.

Q. What was his name?

A. Williams.

Q. What was his Christian name?

A. I do not recollect.

Q. Have you seen Mr. Smith since you parted with him?

A. Yes, once.

Q. You told me you went to your aunt's at your returning from Mr. Smith?

A. Yes, and from there to Mr. Faulding's.

Q. You are sure, Sir, that this happened in 1793, that you heard all this about the pikes?

A. Yes.

Q. What did you hear at the third meeting?

A. I cannot say, I took no particular notice of any thing I heard but that night.

Q. How long did you stay?

A. Till between eleven and twelve o'clock.

Q. What time did you go?

A. About eight.

Q. Will you be so good to tell us if you recollect any thing that was said at all that third night?

A. I cannot recollect at all.

Q. So, that except that night, that Mr. Yorke made a long speech, you do not recollect a syllable?

A. No.

Q. There were various things read over?

A. I do not know that there was any thing read over that night.

Q. What business were they doing that night?

A. I cannot say.

Q. Were there any papers read; perhaps there were some members admitted?

A. I do not know for that night particularly, but they were sitting there, and the books were kept open for the admission of members till nine o'clock.

Q. But I take it for granted, there must have been a great deal said and done, from eight or nine o'clock till eleven or twelve at night; for you know you went there to watch, in order to inform: Do you recollect any thing at all?

A. I do not.

Q. You went the fourth night?

A. Yes.

Q. What time of the evening did you go the fourth night?

- A.* I suppose about the same time.
- Q.* And staid, as you went to collect information, till the meeting broke up?
- A.* Yes, till they were all gone.
- Q.* What was said that night—not a syllable?
- A.* Not that I recollect; nothing at all.
- Q.* You went the fifth night?
- A.* Yes.
- Q.* About the same time?
- A.* Yes.
- Q.* And staid till it broke up?
- A.* Yes.
- Q.* And the first time you saw Mr. Yorke there?
- A.* Yes, I think I saw Mr. Yorke there three times; he came in with another person, he said he had been in Newgate to see Mr. Frost, and that he was to be pillored the next day, and he said that he had some words with Mr. Kirby.
- Q.* What did you hear said about pikes by Mr. Yorke?
- A.* It was not Mr. Yorke that mentioned about the pikes.
- Q.* It was not Mr. Yorke?
- A.* No, I believe he was not there the night the pikes were mentioned; there was a person from Sheffield said, they could get pikes made for sixpence a-piece, and somebody said, they thought it would do for them as well as for the people of Sheffield, and it was only living upon bread and cheese for one day; but I remember hearing Mr. Yorke say, at another time, about arming themselves with mop-sticks while Mr. Frost was pillored.
- Q.* When was it Mr. Yorke made this speech; was it the seventh night?
- A.* I cannot say.

THOMAS WHITEHORNE sworn—examined by Mr. BOWER.

- Q.* Were you at any time a member of the London Corresponding Society?
- A.* I was.
- Q.* At what time did you begin to be a member of it?
- A.* I believe the same evening with the last witness that was examined.
- Q.* About what time of the year, the beginning or the end?
- A.* Towards the latter end of the year.
- Q.* What is your profession?
- A.* I am a shopman to a bookseller.
- Q.* The first time you was there, was with the last witness, Alexander?
- A.* Yes, it was.

Q. Did

Q. Do you know how Alexander came to go there?

A. I believe we went together.

Q. Were you both admitted the same night?

A. Yes.

Q. How long did you continue a member?

A. We paid for a quarter that evening; I was there about four or five times to the best of my knowledge.

Q. Did you see Mr. Yorke there at any of the times?

A. Only once.

Q. How long did you continue a member after the night you saw Mr. Yorke there?

A. I was not there above once or twice.

Q. You quitted the society?

A. Yes.

Q. For what reason?

A. I quitted my situation, and it was not so convenient for me to attend afterwards; I do not know any other reason.

Q. You remember Mr. Yorke being there?

A. I do, perfectly.

Q. Was there a few, or a great many people in the room, at that time?

A. There might be from forty to sixty people there.

Q. Did Mr. Yorke distinguish himself that night; did he say any thing; did he appear as an ordinary member?

A. He came in, and he seemed to be very well known, he made a long speech; I left him speaking, but I do not recollect any part of it; the room was nearly full.

Q. When Mr. Yorke came, you can tell us, perhaps, if you do not remember the words of the speech, whether it was a moderate or a violent speech?

A. He seemed to be speaking very loud, but I was quite at the further end of the room from him.

Q. You cannot take on yourself to say any thing of the substance of it?

A. No. I made no minutes, I could not perfectly swear to any sentence.

Q. When you went there the very first night that the other witness went with you?

A. I believe it to be the first night.

Q. Do you recollect before you went out of the room, whether any thing was said by Mr. Yorke of his intentions of going home, or going abroad, or any thing of that sort?

A. I understood he was going abroad, and I believe he mentioned that in his speech, or whether I understood it from somebody in the room, I cannot be certain which, that he was about quitting England.

Q. Who did you live with at the time you became a member of this club?

A. At Mr. Owen's in Fleet-street.

Q. Where did you live after that?

A. At one Mr. Bagster's in the Strand.

Q. Do you recollect so much of the speech as to say what impression it made upon you at the time?

Mr. Erskine. I certainly object to that.

Lord Chief Justice. Certainly it is a question that ought not to be pressed, for he says he does not recollect any thing about it.

Mr. Bower. Whether you ever had any conversation with Mr. Alexander about what passed that night?

A. I saw him a morning or two after we were there, and I believe I might ask him how long he staid after I left the room, or something to that purpose.

Q. You say you quitted the society very soon afterwards?

A. Very soon afterwards, I believe I was not there above four nights in all.

Q. What was the reason of your absenting yourself from the society?

A. I left the situation I was in to go to another part of the town.

Q. Had you any other reason?

A. No, I had not; I lodged at another part of the town, and had not time, if I had had the will; if I had remained in the same situation I might have gone again.

Q. Have you always said that that was your reason; recollect yourself?

A. I did not say any thing about it particular, it is a matter that I never thought to be questioned on, and therefore I never thought about it.

Q. What part of the room was you in; was you near Mr. Yorke?

A. No, quite the reverse.

Lord President. How long have you known that other man, Alexander, the last witness?

A. Some months, I cannot say how long.

Q. What was his situation when you first knew him?

A. He was in a linen-draper's shop at the first of my knowledge of him.

Q. Where?

A. At Mr. Faulding's upon Holborn Bridge.

GEORGE WIDDISON sworn—examined by Mr. BOWER.

Q. You live at Sheffield?

A. Yes.

Q. What

Q. What are you?

A. A barber and hair-dresser.

Q. Are you in any other employment?

A. Yes, a turner.

Q. Was you at any time a member of the Constitutional Society at Sheffield?

A. Yes.

Q. At what time did you become a member—about two years ago?

A. Above that time.

Q. Were you at any time a delegate?

A. We were not separated into divisions at that time, we were all united, and used to meet at different houses.

Q. On what occasion did you become a delegate, or how long was it after you became a member, that you became a delegate?

A. I cannot say.

Q. How many might you be at that time?

A. Some hundreds.

Q. Was the Fountain one of the houses you met at?

A. Yes.

Q. Do you remember at any time a meeting at the Fountain?

A. Yes.

Q. How many people might there be?

A. The first time I attended there were about 200.

Q. That is about two years ago?

A. Yes, and better.

Q. How long did you continue a member of that society?

A. About two years, or better.

Q. When you first remembered the society, where did they all meet?

A. At that house; that was the beginning.

Q. Do you know a person of the name of Yorke?

A. Yes.

Q. Do you know him by any other name?

A. No.

Q. When did you first see Mr. Yorke?

A. About a twelvemonth ago, I believe.

Q. Where was it?

A. Either at Mr. Gale's or Mr. Martin's, I think.

Q. Did you ever see him at any time afterwards at any of the meetings of the Constitutional Society?

A. Yes, several times.

Q. Do you recollect at any time, whether Mr. Yorke took an active part—who was chairman?

A. He

A. He was generally chairman when he was there.

Q. Was he often there?

A. I have seen him at three different meetings as near as I can recollect; I saw him at one meeting in Queen-street.

Q. When was that?

A. I cannot speak as to the time, but it was not long after the execution of the King of France.

Q. When did you see him again at any other meeting?

A. I saw him at another meeting at the sign of the Barrel.

Q. Do you recollect about what time that was?

A. I do not.

Q. Do you remember any thing particular at the time you saw Mr. Yorke at that meeting, at the Barrel, in his conduct, or in his speech?

A. He appeared to me to be rather in liquor at the time he was there.

Q. Do you remember seeing him at any time after that at a meeting in the open air?

A. Yes, I saw him at the meeting on the Castle-hill.

Q. The beginning of November last that was in?

A. No, in April.

Q. What was done at that meeting?

A. That was the meeting that that pamphlet that you have been reading was proceeded upon.

Q. Was you there when any delegate was elected?

A. Yes, I have been there when delegates were elected.

Q. I mean the delegates to the Scotch Convention?

A. Yes.

Q. When was that?

A. I cannot recollect the time, near a twelvemonth ago, I suppose.

Q. Who was elected delegate?

A. Matthew Campbell Brown.

Q. What was Brown?

A. He is an attorney by profession.

Q. Was he an attorney at that time?

A. Yes, he was at that time, but some little time before that he acted as a player.

Q. Did he go as a player?

A. Yes, I believe he did.

Q. Did you see Mr. Yorke at any time this year, 1794?

A. The first I saw of him, was rather the latter end of March, or the beginning of April.

Q. That was the first time?

A. Yes, in this year.

Q. Had you frequently an opportunity of seeing Mr. Yorke?

A. Yes

A. Yes, I was employed as hair-dresser to him.

Q. Where did he live at that time?

A. At one Mr. Cothorne's.

Q. Had you an opportunity when you was about Mr. Yorke, to know what he was doing, whether he was writing any thing, or what he was about?

A. I don't know particularly what he was about?

Q. Did you learn whether any address, or any thing of that kind, that he had any share in?

A. No, I cannot say that I did, I saw an address afterwards that was said to be wrote by him.

Q. Were you ever with Mr. Yorke when any thing was said about arms at any time?

A. Yes, I was.

Q. What time was it, pray tell us what were the circumstances that happened first respecting arms, when you have been with Mr. Yorke, and fix any time when it was?

A. I think it was some time in April.

Q. Will you tell me what past?

A. I do not know what past between him and me, it was the general talk of the town, when arms began first to be made.

Q. Can you recollect any particular people you have heard him talking to about arms?

A. No, I cannot recollect.

Q. Have you yourself had any conversation with Mr. Yorke, or had any instructions from him about arms?

A. Not from him, I made some myself.

Q. Who did you make them for?

A. I made a dozen of pike shafts for Mr. Gale.

Q. Did Mr. Yorke know you was making them?

A. Yes.

Q. Did you tell Mr. Yorke, or how did he become first acquainted with it?

A. We spoke several times about it, I do not know whether he spoke to me first, or I spoke to him. I told him I was making some, and when I had one made I shewed it to him, and asked him if he thought that size would do for them, he said he thought it would.

Q. How many did you make?

A. About a dozen, or a dozen and a half.

Q. What became of them?

A. Mr. Wilkinson took them.

Q. Did he seize them all?

A. I do not know, I have not been in my house since.

Q. Had you only made that number in the whole?

A. Yes.

Q. Pray,

Q. Pray, had you any conversation with Mr. Yorke respecting the purpose for which these things had been made?

A. Not particularly with him, but with other people; I meant to have one in my own defence.

Q. Did Mr. Yorke say any thing to you about a Reform in Parliament?

A. Yes.

Q. Did you at any time learn from him what he meant by a Reform in Parliament?

A. Yes, that it was for universal suffrage.

Q. Be so good as to recollect how that conversation came between you and him?

A. Universal suffrage was what he proposed.

Q. Did Mr. Yorke know from yourself what you meant by a Reform in Parliament?

A. We always understood each other that we were all for universal suffrage.

Q. What do you mean by all?

A. The society.

Q. Did you inform Mr. Yorke that that was your meaning, that that was what you understood by it?

A. I did not particularly at that time inform Mr. Yorke, this matter was agreed upon by all of us.

Q. In the conversations that you had with Mr. Yorke, did you and he uniformly agree with what he meant by a Reform, or did you disagree in opinion?

A. We agreed till within a few weeks before Mr. Yorke left Sheffield the last time.

Q. You did not agree then; in what did you disagree with him?

A. I disagreed in respect of universal suffrage.

Q. Did you tell Mr. Yorke so?

A. Yes.

Q. And what did he say to that?

A. I told him when I went one morning to dress him as usual, that I thought the plan of Reform we were upon would not do; and he asked me my motive, and I told him, I thought it would carry us too far; says he, I have studied it some time, and I have read various authors on the subject, and I do not see that any Reform can be of service to the nation except that. Very well, says I, so far you and I differ in opinion, I will no longer subscribe my name to universal suffrage; very well, says he, then you must give it up; and we had no more conversation on the subject.

Q. Had you any more conversation after that?

A. Not after that.

Q. After that you had not the same kind of communication?

A. No,

A. No, I had not.

Q. How long was this before Mr. Yorke left Sheffield?

A. About three weeks before.

Q. Do you remember the meeting in the month of May in Sheffield, in the open air?

A. Yes.

Q. Were you present at the time of that meeting?

A. Yes.

Q. Was Mr. Yorke there?

A. Yes, he was.

Q. Did Mr. Yorke make a speech there?

A. Yes, he spoke to a considerable large company.

Q. Did you hear any part of his speech?

A. Yes, I heard a good deal of it.

Q. After that meeting did you go to see Mr. Gale at all?

A. Yes, I saw Mr. Gale after that.

Q. Had you any conversation with Mr. Gale or Mr. Yorke about these shafts you had made, about being paid for them?

A. Yes.

Q. Were you paid for them?

A. No.

Q. Who did Mr. Yorke bid you to apply to for the payment?

A. He did not say who I was to apply to.

Q. Did you make them for sale?

A. Yes.

Q. Did any person buy any.

A. No.

Q. You have been telling me you had only some private conversation with Mr. Yorke, but he had many other conversations that were not private with you; you have often heard him converse with other persons when you have been present?

A. Yes, I have, when I have been along with him.

Q. What have you heard him say on this subject of arms at any time: who are the persons you have seen him with: do you know Mr. Davidson?

A. Yes.

Q. Did you ever see him with him?

A. No.

Q. Have you ever heard Mr. Davidson say any thing respecting arms?

A. He was a customer of mine in the hair-dressing business, and we have spoke together about them?

Q. Tell us what part Mr. Davidson took?

A. Mr. Davidson did not give me to understand that there were any particular order given, only that the people in general began to call out for them; they thought they were in danger.

Q. That Mr. Davidson told you?

A. Yes.

Q. You know nothing yourself: you meant to keep one for your own defence; that was what you understood?

A. Yes.

Q. Had you any of the books, as a delegate of this society?

A. Yes.

Q. They are not here, I understand?

A. No, I believe not.

GEORGE WIDDISON—cross-examined by Mr. ERSKINE.

Q. You seem a decent sort of man, you was two years a member of that society?

A. Yes.

Q. And till within four weeks of the time you have been speaking of, you have been of the same opinion, I believe, with the rest of the society, for universal suffrage?

A. I was.

Q. Was you a friend of your King?

A. Yes, undoubtedly, and the Queen both.

Q. As far as you could collect, from the conversation and behaviour of those that you were two years connected with, did they appear as such that loved the King?

A. Yes, in general.

Q. As an honest man, would you have continued two years in that society, if you conceived them as people not loving the King?

A. No.

Q. Then you did not think universal suffrage were repugnant to the love of your King?

A. No, not at that time.

Q. Who was the people that you and your society copied after in your ideas of universal suffrage?

A. The plan we first went upon was the Duke of Richmond's plan of universal suffrage.

Q. Then you understood, and the society understood, that what the Duke of Richmond had said, was your plan; had you any of the publications of the Duke's at that time?

A. Yes.

Q. Do you know of a letter to Colonel Sharman?

A. Yes, I do.

Q. No matter whether it is the Duke of Richmond's or not: was it ever read in the society?

A. I believe it has.

Q. Did you ever hear it read?

A. Yes, several times; and I think once or twice in the society.

Q. Was

Q. Was it generally approved of?

A. Yes, it was at the time we adopted it.

Q. Look at that (*the Duke of Richmond's letter to Colonel Sharman shewn him*), should you recollect it if I should read this part to you;—this, for instance—“The subject of Parliamentary Reform is that, which of all others, in my opinion, most deserves the attention of the public, as I conceive it would include every other advantage which a nation can wish; and I have no hesitation in saying, that from every consideration which I have been able to give to this great question, that for many years has occupied my mind, and from every day's experience to the present hour, I am more and more convinced, that the restoring the right of voting universally, to every man not incapacitated by nature for want of reason, or by law, for the commission of crimes, together with annual elections, is the only Reform that can be effectual and permanent.”—That is it, is it not?

A. Yes.

Q. Now I ask you, upon your oath, as far as you understood (what passes in the heart of man you cannot tell), but as far as you understood from the conversation of the people with whom you associated, did it appear to you, and did they express themselves that this was their object?

A. Yes.

Q. Did it appear to you that there was any disposition in those with whom you associated to compel this by force of arms?

A. I never understood it so.

Q. Was it from any thing of that sort that you left them, or was it that you thought universal suffrage was not so good a plan?

A. I did not think the people's minds were prepared for it.

Q. Do you think if the people's minds were prepared still, that that is the proper plan?

A. I cannot say, I did hope at first that it would be brought about without any confusion.

Q. Was you a member at the time they sent a delegate to the Convention of Scotland?

A. Yes, I was at that time, and some time afterwards.

Q. Did you think you was doing any harm when you consented to the sending of that delegate?

A. I did not consent, but if I had I should not conceive I was doing any harm; I was rather too late, or else I should have given my consent.

Q. What was the Convention to do?

A. I never understood that they had any object in view but drawing

drawing up an Address to the Nation, and then an Address to the Parliament, or some part of the government.

Q. Do you remember any thing that was said about the expediency of petitioning Parliament, from private bodies of men?

A. I do not understand what you mean by private bodies of men; it is in public bodies that we talked of petitioning.

Lord President. You are not to put the very question into his mouth, even on a cross-examination.

Mr. Erskine. It has been usual in cross-examinations.

Lord President. Examine him so as he may speak his own words.

Mr. Erskine. Was it ever expressed, or did you gather it from any thing that passed in your presence in the society, previous to the sending, and at the time of sending down the delegates to Scotland, did you suppose they were to assume the functions of Parliament, and be a Parliament?

A. By no means.

Q. Did you ever understand, or from what you heard from others that were connected with you; did you ever understand that that was the conception of this plan?

A. No, I never understood it so.

Q. Would you have been a party to the plan if you thought it had been their plan?

A. I hope not.

Q. Do you consider them, and did you consider them, to be people attached to their King, and, at the same time, to their own freedom?

A. Most certainly.

Q. You considered then and consider still, the major part of the society as persons attached to the King?

A. Yes, because I look upon it that the preservation of the King's, and the liberties of the subject, are inseparable; that is the idea the people had of it.

Q. Are you speaking now your own sentiments?

A. Yes, not only mine, but what I understood was the sentiments of those I was associated with; I always understood it in that light.

Q. Was there any talk of arming for the purpose of attacking the laws that are under his Majesty's execution?

A. No.

Q. Was there any thing said in your society about attacking the King's Majesty and putting down the laws, or altering the government?

A. No.

Q. What was said about arms, was said publicly in the society, at the time the hand-bill came out?

A. I do

A. I don't know that, I never was present when arms were mentioned.

Q. When you made a pike for yourself what did you make it for?

A. To defend myself if it should be necessary.

Q. What made you collect about that time, that it was necessary for you to have arms for your defence?

A. Because there was not so good an understanding between the two parties as there had been.

Q. Who do you mean by the two parties?

A. Those who were for universal suffrage, and the other, those who opposed it.

Q. Had you any intention, when you made that pike, to defend yourself against the magistracy of the country?

A. No, only against those people who might come without any legal authority from the magistrates.

Q. From what you know of the sentiments of the other persons in that society, did it appear to you that that was the general notion?

A. I always understood it to be so; we have been often threatened in many companies that we have been in.

Q. Have you been threatened with personal violence?

A. Yes, in various companies; I have heard them remark, those that were looked upon as aristocrats, said, that if any invasion should take place in this country, in case any thing was to happen, that the first thing they would do would be to destroy their enemies at home first, and then join the French.

Q. What answer did you make to that?

A. Several times I have said, I hoped that was not the general opinion, if it was we should be under the necessity of preparing for it, by arming ourselves in our defence.

Q. Then you and those that you were associated with, were disposed to the government and constitution of your country?

A. Yes.

Q. Who did you say would make the attack?

A. The aristocratic part; they said they would follow the example of the French, and make an attack upon our associates.

Q. For any thing that you know passed in your society, was there any thing said against the Lords House of Parliament?

A. No, that very rarely formed any part of our conversation. The only treatise I saw was written by Major Cartwright, who proposed an alteration in the House of Lords by filling them up by election, but I never understood that there was any regulation formed with respect to the House of Lords.

Q. Now

Q. Now upon the whole, am I to understand you, that you continue yourself to be attached to the King and constitution?

A. Yes, both.

Q. You talk of Mr. Yorke; you say you saw Mr. Yorke once when he was drunk?

A. No, he was not drunk, but he was not so sober as I have seen him, because he is a very sober man.

Q. Now, with the exception of that time, how did he conduct himself at those meetings with regard to conversation?

A. He generally conducted himself very well as to what I saw of him; he used to get a little warm in conversation now and then.

Mr. Bower. I observed that you said, that in general you thought people who were for annual parliaments and universal suffrage were well affected to the King; you said you thought so in general?

A. Yes.

Q. You heard Mr. Yorke's speech at Castle-hill; upon hearing that speech did you think he was one of those persons who were well affected to the King?

A. I never had reason to believe otherwise.

Q. Did you ever know any thing of a communication between Davidson, and the society in London, about arms?

A. I never knew it till I saw a letter published in a newspaper in May last.

Q. Was that published at Sheffield?

A. Yes, in a London newspaper.

Q. Till that time you never knew there had been any communication with the London Corresponding Society about arms?

A. Never.

Q. You never knew that they had any other object but to form a meeting that should petition Parliament, that was what you understood?

A. Yes.

Q. Was you present when the thanks of the Sheffield Society were voted to Mr. Paine?

A. Yes, I was a member.

Q. Was you present when the vote was given?

A. Yes.

Q. Had you read Mr. Paine's books then?

A. Yes.

Q. Then I may take it that you are of opinion after reading these books, that the thanks to this man were given by people who were well affected to the King and Constitution?

A. Yes.

Mr.

Mr. Bower. Very well, then I will trouble you with no more questions.

HENRY HILL sworn—examined by Mr. LAW.

Q. Where do you live?

A. At Sheffield.

Q. What are you?

A. A cutler.

Q. Was you at any time a member of the Constitutional Society of that place?

A. Yes, as soon as it was instituted, the second or third night of its meeting.

Q. In what year?

A. In the year 1792, I believe March, I cannot be positive.

Q. How long did you continue a member of that society?

A. Very near twelve months.

Q. Do you remember during the time you was a member of that society, that society being visited by Mr. Yorke?

A. Yes, once.

Q. Do you remember when that was?

A. I think it was in the year 1792.

Q. Do you remember the meeting at the Castle-hill?

A. Yes.

Q. When was that?

A. In April last, 1794.

Q. Do you remember the lecture on the fast-day?

A. Yes.

Q. That was in February, 1794?

A. Yes.

Q. Do you remember after that lecture had been given on the fast-day, any conversation about preparing arms in the town of Sheffield?

A. Not for some time after that.

Q. Do you remember a meeting of the 7th of April, 1794?

A. Yes.

Q. About that time was any conversation prevalent in the town about providing yourselves with arms?

A. Yes,

Q. Do you know a person of the name of Davidfon?

A. Yes.

Q. What was he?

A. A printer, he worked at Mr. Gale's.

Q. Mr. Yorke lodged at Mr. Gale's, did not he at one time?

A. I cannot say that.

Q. Had you about that time any application from Mr. Davidfon to make some blades for pikes, for him?

A. Yes.

A. Yes.

Q. When was that?

A. In the beginning of April.

Q. Did he order any particular number?

A. No.

Q. What orders did he give you respecting the making of them, and the size or number?

A. As to size, he brought a bayonet to me to make a pattern by, I went and made one, and he approved of it.

Q. Did Davidson tell you where you was to get the iron; did you take it upon his account, or on your own account?

A. On his account.

Q. Who was to pay you for the workmanship of it?

A. Mr. Davidson.

Q. Whether the pike was approved by Mr. Davidson or not?

A. He did approve of it.

Q. Did you carry that to Mr. Camage's at any time?

A. Yes.

Q. Did you meet Mr. Yorke ever at Mr. Camage's?

A. No, Mr. Davidson desired me to go to Mr. Yorke.

Q. Did you go to him?

A. Yes, we had very little to say; when I went to him he had just received an account of Mr. Walker's trial at Manchester, and he was so overjoyed that he had very little to say about the blade that I shewed him, not then.

Q. What was he so overjoyed about?

A. Mr. Walker being cleared of that indictment.

Q. Did you ever see him with one afterwards, properly mounted upon a shaft in his hand?

A. Yes.

Q. When was that?

A. Some time after, perhaps a fortnight, or a week, I cannot say which.

Q. Did he make any observation on the pike so prepared and mounted?

A. He said as little as possible, there were some girls there, and he pretended to give the girls a push with it.

Q. What orders had you?

A. When Davidson first ordered me, I was to make them as fast as I found employment.

Q. To what number did you go on making?

A. To one hundred and twenty or thirty, or somewhere thereabouts.

Q. Did Mr. Davidson pay you for them?

A. He paid me for some.

Q. Did

Q. Did Davidson take up the whole of that hundred and thirty?

A. Yes.

Q. Where used you to carry them to when you had made them?

A. Sometimes I took them to my own lodgings, and sometimes to William Camage's.

Q. And did you deliver them to Mr. Davidson at Mr. Camage's?

A. Yes, sometimes, when he was there.

Q. What did he give you for the workmanship?

A. Two-pence a-piece.

Q. You saw Davidson's letter to the prisoner at the bar?

A. Yes, I heard him read it.

Q. Did he say any thing that he expected any demand, any order from any other quarter, from London, or any other place for pikes of the same sort.

A. Yes, that was what he said, that he did not know but there might be the same need of them in London as there was in Sheffield.

Q. What did you understand to be the purpose that might make them necessary both in London and in Sheffield?

A. To act on the defensive in case they were attacked by an unlawful set of men.

Q. They were sent to the secretary of the Corresponding Society?

A. I don't know to whom the letter was directed.

Q. By whom did you expect to be attacked?

A. By the opposite party that there is in Sheffield.

Q. But who was to attack them in London?

A. I cannot say any thing about it; but I suppose that they might be attacked by the same sort of people as in Sheffield.

Q. How soon after you had made these hundred and twenty pikes for Mr Davidson, did he leave Sheffield?

A. I think it was about the middle of May he went away, but I cannot recollect rightly.

HENRY HILL cross examined by Mr. GIBBS.

Q. You say you were a member of the Constitutional Society from the first time they came together?

A. Yes.

Q. I suppose you would not have been a member of it if you had not supposed them to be faithful to the King?

A. Most certainly not.

Q. Had you any views in becoming a member of this society, any intention of displacing the King from his throne?

3 H

A. I never

A. I never had, I never heard a syllable of it in Sheffield.

Q. Do you suppose that was the idea of any of the members?

A. No. I never heard them declare that it was, for any thing I ever saw by them, they appeared to be friendly to the King; I never saw any thing to make me to think to the contrary.

Q. What was the Reform they wished to be brought about?

A. A more equal representation in the Commons House of Parliament.

Q. Whose plan of Reform in Parliament did they follow?

A. They followed the Duke of Richmond's, as I understood, there were a number of these letters distributed in Sheffield.

Q. Did you hear the members of the society say they followed the Duke of Richmond's plan?

A. Yes, I have heard that spoken of several times in company.

Q. There were some pikes prepared at Sheffield, what was the reason of your preparing them?

A. By the opposite party using such threats, even in the house where I lodge; they have come at the dead of the night and insulted us when we have been in bed, and swore they would pull down the house and burn it, and calling us Jacobines and Levellers, and calling the house Jacobine-hall, because the society used sometimes to meet there.

Q. And had you actual reason to apprehend danger?

A. Yes, by their threats, they even shot into people's houses. An armed set of people that makes a parade in the street, one night shot under a person's door, as they were going home about twelve o'clock; they were a set of people that procured arms and paraded the streets in the dead of the night, they went and paraded the streets when any great victory was gained.

A. Was it this sort of conduct and these threats that induced you first to prepare arms?

A. No other reason in the world.

Q. Had you, or any of the people of Sheffield, in view, the attacking the magistracy of the country in procuring these arms?

A. Far from it.

Q. Where they meant merely for your own defence?

A. Merely for self-defence, for no other purpose that ever I knew of.

Mr. Law. Before you procured these pikes for your self-defence, did it never occur to you to mention to Mr. Wilkinson, the magistrate, or the other magistrate, that you were in danger?

A. No never to my knowledge.

Q. Did you complain of the danger you were in to any one person you can name?

A. No,

A. No, I do not know that there was any complaint to the magistrates or any other person.

Q. You have said you were well affected to the King, and you had no objection to the House of Lords, and only to effect a Reform in the Commons House of Parliament; was you present when a vote of thanks was voted Mr. Paine?

A. I do not know any thing about that; I was not present.

Q. Did you never hear of it?

A. No.

ROBERT MOODY sworn—examined by Mr. GARROW.

Q. I believe you was a joiner at Sheffield?

A. Yes.

Q. Was you a member of the Constitutional Society, as it is called, at that place?

A. Yes, but I had not been a regular member more than a year before I was apprehended.

Q. Besides the meeting of the society, had they any meetings called district meetings?

A. Yes.

Q. Do you know a person of the name of Henry Yorke?

A. Yes, I have seen him at some of the public meetings.

Q. Did you ever see him acting at any of the meetings?

A. He has acted as an orator in speaking.

Q. Did you ever see him act as chairman?

A. Yes.

Q. You say you have seen him act as an orator. Where did you see him?

A. At the Castle-Hill.

Q. How many persons might have been present at that time, at the Castle-Hill?

A. I suppose not fewer than ten thousand.

Q. Upon that occasion you heard Mr. Yorke speaking to the persons assembled?

A. Yes.

Q. Was you near enough to hear and collect distinctly the substance of what he said?

A. No, I was at a distance.

Q. Did you stay till the business was concluded?

A. Yes.

Q. In what way did Mr. Yorke return from the meeting to his own apartment?

A. There was a coach brought for him, and when he had done, the horses were taken out, and the populace drew him home.

Q. Did you see a person of the name of Camage there?

A. Yes, he read some resolutions which I afterwards saw published in the Sheffield paper.

Q. Where these resolutions printed by Mr. Gale?

A. Yes.

Q. Did Mr. Broomhead act as secretary to that meeting?

A. Yes.

Q. Did you, after that, see Mr. Camage upon a visit to your shop?

A. Yes, he was at my shop once or twice; he brought five or six pike blades, and desired me to make three dozen of handles.

Q. Who came with him?

A. I cannot say who it was, there was a person with him.

Q. How many blades might Camage bring to your shop in the whole, to put into handles?

A. Three dozen shafts ordered, and there were blades brought for them.

Q. Did you learn from Mr. Camage what the purpose was for which these pikes were to be made?

A. No.

Q. Did you know in the society who were the persons that were to furnish the pikes to the society?

A. I never knew who they were for; I understood that Mr. Davidson was to take them from me, so that I was to have ready money as I did my work.

Q. Did you learn from any members of the society, for what purpose these pikes were to be made?

A. I understood, from what I could collect, that they were for self-defence.

Q. Against whom?

A. Against persons who might illegally attack them, for the opposite party; they met frequently in large bodies, and these people said we should be dispersed.

Q. Who said so?

A. Many said so of the opposite party, and how far they might get a justice of peace to give them authority; and, if they had made an application to a magistrate, a little matter would have done it.

Q. There had been a rumour, you say, that the opposite party had said they would disperse you, that they said they would apply to a magistrate, that a little matter would do it, and on this arms were to be made use of in case of any such attack?

A. Yes.

Q. Now, Sir, do you recollect any conversation about the this time, in any of your public meetings, with respect to any of the dagoons that were in the neighbourhood of Sheffield?

A. I remember

A. I remember so far it was said that the dragoons——

Q. Was it said by Mr. Camage, or any of the members of the society?

Lord President. You heard that where, or by what people?

A. Some people in the town, I cannot say by who; it might be true, or it might be false.

Mr. Garrow. To which of these meetings did the conversation apply; did it apply to the meeting at the Castle-hill?

Lord President. The object is to see at what meeting it past.

Mr. Garrow. Previous to the meeting on Castle-hill, how long had there been any conversation about dragoons?

A. I know of none before.

Q. Now, after the meeting on Castle-hill, did you hear from Mr. Camage, or any body else in the society, any conversation relative to the dragoons in the neighbourhood of Sheffield?

A. I do not know who I heard it of.

Q. From Mr. Broomhead?

A. No.

Q. From Mr. Davidson?

A. No.

Q. From Mr. Gale?

A. No.

Q. Were the dragoons in the neighbourhood of Sheffield?

A. They were.

Q. Did you at any time, at Mr. Camage's, see any leaden instrument, or model of an instrument?

A. Yes.

Q. What was it called?

A. It was what was called at the Privy-Council a night-cat; it was there called a cat.

Q. What passed at the time that cat was shewn in Mr. Camage's shop?

A. It was lying in the window, and I took it up and asked what was the use of it, and he said it was an instrument that was or might be made use of to throw in the streets, which would lay pointed upwards to prevent horses travelling in the streets.

Q. Did it seem to you that the instrument was well-enough calculated to answer that purpose?

A. I thought it might.

Q. Throw it any way it presented a point?

A. Yes.

Q. Where was it that he stated such an instrument had been used?

A. He never told me any such thing that it had been used.

Q. You said it was an instrument that might or had been used to throw in the street to prevent horses travelling along?

A. Yes.

Q. Did

Q. Did he name any town in the course of that conversation?

A. No.

Q. Who was present besides Camage, at the time that he presented it to you?

A. Nobody.

Q. At any time when you was in Camage's shop, did you ever see any blades for pikes brought by any body?

A. Yes, I once saw a few, perhaps six or eight.

Q. Did you see any pike complete at Mr. Camage's, at any time, like that at the other end of the Court—bring it?

A. I never saw only those that I made the shafts for.

Q. (*It was brought forward*) Is that the sort of instrument t. you made?

A. Yes.

Q. What is the shaft made of?

A. Deal.

Q. That is not shod?

A. No.

Q. Nor loaded?

A. No, nothing but the deal.

Q. Do you remember Mr. Davidson making application to you respecting letters?

A. Yes, I remember his asking me for a letter or two to be directed to me; I told him he might, I had no objection, but I never had any come to my hands.

Q. That blade fits in at the top, or takes out occasionally; does it not?

A. No, it is fast in; it fastens in the hoop.

Q. I do not know whether you know of Davidson's correspondence with the London Corresponding Society, upon pike blades?

A. No.

Q. How long had Mr. Davidson come from Leeds to Sheffield?

A. I suppose about two months, I had not known him longer, however.

ROBERT MOODY—cross-examined by Mr. ERSKINE.

Q. If I understand you right, Mr. Davidson had written some letter or letters, you knew nothing of them; but if any answers were to come to those letters, they were to come to your hands?

A. Yes.

Q. None ever came to your hands?

A. Never.

Q. How long were you a member of that society?

A. A year.

Q. Do

Q. Do you remember the time the delegate went ?

A. No.

Q. What was this cat, a little thing or a large thing ?

A. The points were about an inch long, it might stand an inch and a half high.

Q. Was ever any made from that model that you know of ?

A. I never saw nor heard of any.

Q. Was this concealed or lying open ?

A. Lying open in the shop.

Q. Any body going there might have seen it ?

A. Yes, they might.

Q. It was a model ?

A. Yes.

Q. Did you ever hear of any order given to make any from it ?

A. No.

Q. Did you ever see a real one in your life ?

A. No, never.

Q. Did you frequent the society much ?

A. Not till the year back, before I was brought away in custody.

Q. During the time you was there, and till you was taken into custody, was any thing said in your presence or hearing against the King ?

A. I never heard any thing said against him.

Q. Was you yourself a friend to the King and Constitution as well as you understood it ?

A. Yes, I believe him to be a good man ; and it is a crime to do any thing against a good man.

Q. Were the people with whom you associated, decent well-behaved people ?

A. Yes, I always wished to go into the company of those who were better informed than myself, in order that I might get improved.

Q. You say it was in the month of April that they first began to talk about these pikes ?

A. Yes.

Q. And it was in consequence of those threats that they were talked of ?

A. Yes.

Q. Was there ever any thing said about these pikes till these threats were used ?

A. I never made any before.

Q. And how many were made in all ?

A. I made two dozen, and nine or ten.

Q. Do you know of any others ?

A. Mr.

A. Mr. Widdison made some handles, I understood.

Q. If you had believed that they were to have been used for the purpose of making a wicked attack on the government of the country, would you have been concerned in making them?

A. No, certainly I would not.

Mr. Garrow. How early had you any apprehension of these attacks?

A. Within the course of a few months before I was brought from the country.

Q. This gentleman has asked you about your apprehensions of ill usage; I want to see whether I apprehend you right: were any pikes made till Sheffield and its neighbourhood began to raise volunteer corps for the defence of the country?

A. These were made before.

Q. How long before?

A. Two or three weeks, perhaps.

Q. You told me what you apprehended was, that a magistrate would lend his authority, upon a little matter, to disperse your meetings?

A. It might be that, or they might themselves take upon themselves to disperse us without the authority of the magistrate.

Q. And here, consequently, the pikes were to be used?

A. If it was necessary.

Q. Now, one thing more about this cat: suppose a number of these were to have been made, not of lead but of iron, and to have been thrown into the road, were they not most effectual instruments to prevent any cavalry acting?

A. It appears so to me.

JOHN EDWARDS sworn—examined by Mr. GARROW.

Q. What are you by business?

A. A silversmith.

Q. Was you a member of the London Corresponding Society, as it is called?

A. Yes.

Q. Do you know the prisoner at the bar, Mr. Hardy?

A. Yes.

Q. Did you know him in any character in the London Corresponding Society?

A. Yes, I have known him as secretary to the London Corresponding Society.

Q. Did you at any time receive any direction from the prisoner at the bar to any person at Sheffield?

A. Yes, I did receive a direction.

Q. To whom is that direction?

A. I cannot recollect the name.

Q. Should you recollect the name if you was to hear it?

A. I have

A. I have been told the name since I have been in custody, but I cannot swear whether that was the name or not.

Q. Now, Sir, at what time was that direction to some person at Sheffield furnished to you by Mr. Hardy?

A. It think it was in the month of April, in the year 1794.

Q. For what purpose was that direction given to you by Mr. Hardy, and what was to be supplied in consequence of it from Sheffield?

A. I went one day to Mr. Hardy's, to his house, and I asked Mr. Hardy if he was going to send to Sheffield, if he would inclose a letter from me, or inform me of some person at Sheffield, who would forge the blades for pikes.

Q. Did the prisoner at the bar, in consequence of some application, furnish you with a direction of any person at Sheffield?

A. Mr. Hardy read part of a letter to me, and gave me a direction to a person at Sheffield on a small piece of paper?

Q. What was the purport of that which he read to you as part of the letter from Sheffield?

A. I cannot recollect the purport of it at present.

Q. The substance of it?

A. I understood that a plan had been formed for forging blades for the people of Sheffield.

Q. This was upon your application to him for a direction to some body at Sheffield to make blades for pikes?

A. Yes.

Q. What did you do in consequence of that?

A. I spoke to two or three members of the Corresponding Society, and I understood that there were several persons that would wish to furnish themselves with such things, and as such I took it on myself to go to Mr. Hardy to know where I could get them, and who I could send to at Sheffield; and a meeting was to have taken place on Friday, the day before Mr. Hardy was apprehended, at the Parrot in Green Arbor Court in the Old Bailey.

Q. For what purpose?

A. Every body was to lay down his money that wished to have them, and the blades were to be sent from Sheffield to London.

Q. What sum of money was to be laid down for those who chose to have these blades sent up from Sheffield?

A. One shilling each.

Q. Was this communication with the prisoner mentioned at any meeting of the London Corresponding Society?

A. No.

Q. Was it mentioned to any division meeting?

A. No.

Q. What number did you belong to?

- A. Twenty-nine.
- Q. Was you present at any time at No. 22?
- A. Yes, I think I was.
- Q. Do you know a person of the name of Gosling?
- A. Yes.
- Q. Of the name of Hillier?
- A. Yes.
- Q. Baxter?
- A. Yes.
- Q. Spence?
- A. Yes.
- Q. What division was Baxter delegate for?
- A. I do not know.
- Q. Was he a delegate for any of the divisions of the London Corresponding Society?
- A. He was at one time.
- Q. Was Spence likewise?
- A. Yes.
- Q. Was this plan of sending to Sheffield for blades of pikes mentioned to any of those persons?
- A. Yes, to Gosling, Baxter, Spence, and Hillier.
- Q. Do you know that there was a place in the Borough, where they met on this subject?
- A. Yes, I heard at a meeting that there was a place where they met in the Borough, but where I did not know.
- Q. For what purpose?
- A. To learn their exercise.
- Q. What exercise?
- A. The use of the musket.
- Q. Was there any subscription at that place in the Borough where the use of the musket was learned?
- A. I do not know.
- Q. Did you learn from any of the members of the society that there was?
- A. Never.
- Q. Do you know a person of the name of Higgins?
- A. Yes.
- Q. Godwin?
- A. Yes.
- Q. Where they members of the Corresponding Society?
- A. Yes.
- Q. Did you learn from them, or either of them, whether there were any society of that sort that you have mentioned?
- A. I understood from Godwin, that there was such a society, but I never was there.
- Q. You learned from this man who is a member of the London

den Corresponding Society, that there was a place in the Borough, where they learnt the use of the musket?

A. He told me so.

Q. Did you learn from him whether he belonged to it or not?

A. No.

Q. Did you learn from him or any other member of the London Corresponding Society where that society met?

A. No.

Q. Do you know a place called Bandy-leg Walk?

A. I have heard of it, but I don't know where it is.

Q. Did you hear from Higgins, Godwin, or any other member of the society, of any meeting held at Bandy-leg Walk?

A. No.

Q. Do you know a person of the name of Franklow?

A. I have heard of him; he was a member of the same division I was.

Q. Do you know where Franklow lived?

A. I have known since that.

Mr. Erskine. What is said by Hillier, and Higgins, and others, I conceive is not evidence.

Lord Chief Justice. I take that point to have been determined by the majority of the Court.

Mr. Garrow. Do you know of any association at Lambeth?

A. I have heard of it.

Q. Did you hear of that from Franklow, or any other member of the London Corresponding Society?

A. I never saw Franklow till I was before the council.

Q. Did you hear from any member of that association?

A. I remember there was something said of it soon after I went to the division, but by whom I cannot tell.

Q. Be so good as to state to us what passed at that time?

A. I only heard that there was a meeting at Lambeth, which bore the name of *The Lambeth Loyal Association*; that was all I heard.

Q. Did you hear at that or any other meeting of the society, of what number that meeting at Franklow's was composed?

A. I never knew how many composed it; I understood the number was to be sixty when it was full.

Q. For what purpose did that association at Lambeth of Franklow's meet?

A. That I cannot tell, for I never was there.

Q. For what purpose was it stated at the London Corresponding Society, at your division of the society that you met?

A. I never heard any thing of it in the society for what purpose.

Q. Did you never hear any thing from any member that Higgins or others of the London Corresponding Society had arms?

A. I never heard any thing more than what I have stated already.

Q. What was this association of Franklow's for, as you collected in the division?

A. I could not tell, for nothing of the kind was ever mentioned.

Q. Did you ever hear any body in the meeting of the Corresponding Society say in what dress those persons who attended Franklow's meeting met?

A. No, I did not hear.

Q. Do you know in what dress they met and what dress they assumed?

A. In a blue coat and red collar; I think I saw Franklow once in that dress, in a blue coat, red collar, white waistcoat and breeches.

Q. In that dress you saw Franklow himself?

A. Yes, once.

Lord President. When was it you saw him so dressed?

A. At the dinner at the Globe Tavern.

Mr. Garrow. When was that dinner at the Globe Tavern?

A. Upon the 20th of January.

Q. Was that the anniversary dinner?

A. Yes.

Q. At that dinner Franklow appeared in the dress you have mentioned?

A. Yes.

Q. Do you know, Sir, of any meeting of any number of persons of the London Corresponding Society at the Three Tuns, Snow-Hill?

A. The division twenty-two used to meet there.

Q. Do you know of any proposal in the Corresponding Society for instructing that division, Twenty-two, at the Three Tuns, upon Snow-Hill, in the use of arms?

A. No, I cannot say I recollect that.

Q. Do you know of any meeting of any number of persons for that purpose, at the Three Tuns, to the number of sixteen or thereabouts?

A. Yes, I recollect there was one evening.

Q. Was you one?

A. I was.

Q. What was the purpose of that meeting?

A. I had spoke to several members myself for that purpose, to meet there and form an association, like the Lambeth association, if they thought proper, but no person would.

Q. Were

Q. Were those sixteen members of the division Twenty-two?

A. I do not know what division they were members of, they were of several divisions I believe.

Q. When was it that division meeting was held at the Three Tuns, Snow-Hill?

A. I cannot recollect what time.

Q. Was it before or after the anniversary dinner?

A. A long while before that.

Q. In the London Corresponding Society, was there any committee, which was called the secret committee, for the dispatch of business?

A. I understood there was.

Q. Did you understand that in the society.

A. Yes.

Lord President. When the sixteen people met what was done there?

A. Nothing at all.

Mr. Garrow. At that meeting were sixteen were present, what was proposed by any body?

A. I only proposed forming an association similar to that of Franklow's, and no person there would join me.

Q. Be so good as to tell us in what way the secret committee of the society was chosen?

A. I cannot tell how they were chosen, I only heard of it in the division.

Q. Did you in the division hear of the appointment of any secret committee which was afterwards dissolved?

A. Yes, this was the same secret committee which I heard mention of in the division which was afterwards dissolved.

Q. Was that secret committee supplied by any new committee to take its place?

A. Yes, I understood it was, that the committee that was dissolved, I understood, had full powers to choose another.

Q. What was the reason as stated in the division meeting, for dissolving that secret committee and giving full powers to choose another?

A. It was thought that some person had given information of that committee having been chosen.

Q. Was that person so suspected, a member of the society?

A. Yes, he was a member of the general committee.

Q. What is his name?

A. Lynam.

Q. You suspected that Lynam had given information, and therefore the secret committee were dissolved—Did you ever know the persons who constituted that new committee?

A. I do

A. I do not know whether I know all.

Q. Do you know a person of the name of John Martin, an attorney, was he one?

A. Yes, he was.

Q. Do you know a person of the name of Thelwall: was he one?

A. Yes.

Q. Do you know a person of the name of Baxter: was he one?

A. Yes.

Q. Do you know a person of the name of Moore: was he one?

A. Yes.

Q. Do you know a person of the name of Hodgson, or Moore?

A. One of them two it was, but I do not know which.

Q. You knew these two persons?

A. Yes, I do.

Q. One or other of them were a member of the secret committee?

A. He was.

Q. Where did this secret committee, as you have learnt in the meeting of the Corresponding Society, meet?

A. I do not know.

Q. At what sort of places did they meet; did they meet at the ordinary places of the general meeting of the society, or in private houses?

A. I do not know; I rather understood that they met at their own houses, I was told that by a person not in the society.

Q. What was the purpose for which this secret committee was constituted?

A. To receive any letters that were sent.

Q. And what were they to do with them when they had received them?

A. That was all left to them, and kept a secret from the society.

Q. Did they communicate occasionally to the society any correspondence that was sent to them?

A. Yes, there were letters sometimes read in the divisions.

Q. Was it left to them to use their discretion about them?

A. Yes, it was.

Q. Was you a delegate at any time of the society?

A. I was.

Q. In the character of a delegate was you a member of the general committee?

A. I attended the general committee about six times.

Q. Do

Q. Do I understand you right, that the correspondence was committed to the secret committee, and left with them whether it should be brought before the general committee, or the society at large, at their discretion?

A. It is impossible for me to answer that, because it all remained with themselves.

Q. Have you any reason to know that correspondence found its way to the secret committee, which never was communicated to the society at large?

A. I cannot tell that.

Q. Where did the general committee of delegates meet?

A. No. 3, Compton-street.

Q. Was you present at Compton-street?

A. I attended there twice.

Q. Was it any part of the business of that committee to receive the return of new members?

A. Yes.

Q. Did it happen at the meetings you attended, that there was always returns of members?

A. I cannot say.

Q. From Compton-street were the meetings of the committee transferred to another place?

A. Yes, to Mr. Thelwall's, No. 2, Beaufort-buildings.

Q. Do you recollect at the first meeting of the committee that you attended, any deputation attending to report from any other society?

A. No, I cannot recollect that.

Q. Do you know from any thing that passed in the committee or the society, that your society was in association and correspondence with the society, called the Society for Constitutional Information?

A. No, not at that time; I understood, at the Thursday night following, that a committee of correspondence was appointed, the Constitutional Society deputing five persons to attend a meeting of the Corresponding Society; this was on the first night. On the second night, I found they had appointed six persons, and there were only five persons of the Corresponding Society chose for the deputation, and then they chose another to add to them.

Q. Was you present at any time when a report was made by any of the members of the committee of conference to the society at large, or to the general committee?

A. No, I was not.

Q. You know Mr. Hodgson, and Lovett, and Thelwall, and Baxter, and Moore?

A. Yes.

Q. If

Q. If they were not, who were the persons that were deputed from your society to correspond with the Constitutional Society?

A. I was not present when they were deputed.

Q. Do you recollect any debate with respect to yourself at the time when this business of the delegates was considered?

A. Yes, I recollect that.

Q. Who were the persons that took part in that debate?

A. There were several persons that spoke, most of them strangers to me at that time; Mr. Thelwall was one that spoke.

Q. Was Mr. Baxter one that spoke in that debate?

A. He did at the committee, not at the division.

Q. Do you remember being present at any meeting of the general committee, when a business respecting a gentleman of the name of Eaton was taken into consideration?

A. I remember I was present when a medal was presented, that had been struck, to be given the jurymen who had acquitted him.

Q. Were the medals to be presented to any other persons, except the persons who had acquitted him?

A. I did not hear.

Q. Acquitted him, upon what occasion?

A. He was tried at the bar for a libel, and was found not guilty, I think.

Q. Do you remember any thing at a meeting at Chalk Farm, in the neighbourhood of this town?

A. Yes.

Q. What were the proceedings of the society, so far as they came to your knowledge, preparatory to that meeting?

A. I do not know, I was only appointed of the committee one night before that, and that was when the debate took place respecting myself; I do not remember any thing else.

Q. Was you present at the meeting at Chalk Farm yourself?

A. I was there.

Q. Where did you first go to?

A. We went to Store-street first, in Tottenham-court-road.

Q. And from thence to what place?

A. To Chalk Farm.

Q. At what time did you arrive at Chalk Farm?

A. I cannot recollect what time it was; it was in the afternoon.

Q. Was that meeting at Chalk Farm one that had been appointed in consequence of any proceedings of the London Corresponding Society?

A. I do not know.

Q. What passed when you came there: you went there as a delegate from the London Corresponding Society?

A. I was a delegate at that time.

Q. Had

Q. Had you any card for your admission to Chalk Farm?

A. Yes.

Q. Where did you procure it?

A. From the committee of the Corresponding Society.

Q. When and where were they procured?

A. At the committee of the Corresponding Society, at Compton-street.

Q. When?

A. The Thursday night.

Q. What, preceding the meeting at Chalk Farm?

A. Yes.

Q. What was the occasion of your going to Store-street, at first?

A. I understood there was a room engaged at Store-street; it was advertised that the meeting was to be held there.

Q. There you went with your ticket?

A. Yes.

Q. Then what led you to Chalk Farm?

A. I understood that Justice Addington had been there, and hindered the man from letting them have the room.

Q. Then you went to Chalk Farm?

A. Yes.

Q. What number of persons might be assembled at Chalk Farm?

A. I suppose upwards of two thousand.

Q. Was there any ceremony upon your entrance there?

A. A person stood at the door just to take the tickets.

Q. What place was it?

A. A kind of trap-ball ground—a green before a long room.

Q. These tickets which the person at the door was just to take, were what you had received at the committee of the Corresponding Society, if I take you right?

A. Yes, they were.

Q. What was done with the tickets when you came there?

A. The tickets were torn in half, one was kept by the door-keeper, and the other half the person that had it put in his hat.

Q. When you was admitted, tell us the proceedings that took place, and who were there, and what passed—did you find there any persons of the Corresponding Society?

A. Yes, several persons there.

Q. Any that you knew, and that you have named?

A. Yes, Moore, Hodgson, and Thelwall.

Q. Was there any person who was called to, or who took the chair?

A. Yes, John Lovett.

Q. Name some more of the Corresponding Society with whom you was acquainted ?

A. Richter was there, and most of the members of the committee.

Q. Do you know Mr. Hardy ?

A. Yes.

Q. Was he there ?

A. I do not know, because I was up in the long room all the time.

Q. After you were admitted into the ground did any body take the chair ?

A. Mr. Lovett took the chair ; I was locked into the long room with some ladies a great part of the time.

Q. Did you hear what was read there, so as to give any account of it—recollect what was said ?

A. No, I cannot.

Q. Was you present afterwards at any meeting of the general or any other committee of the London Corresponding Society in which the report of the proceedings at Chalk Farm was reported ?

A. I do not recollect that I was at any meeting either of the committee or the society, because most of the members heard it there.

Q. Now, Sir, do you know a place called Robin's coffee-house, in Shire Lane ?

A. Yes.

Q. Was that a place at which meetings of any of the divisions were held ?

A. Yes ; division No. twenty-nine.—I was a member of that division.

Q. Be so good as to look at this paper, and tell me whether you ever saw any of that sort of paper distributed at Robin's coffee-house, and if any of them were distributed by the persons you have named ?

A. I have seen some, but not so large as that, and of a different date.

Q. Did it contain the same, the same expressions ?

Mr. Erskine. I object to that question ; the witness is asked whether he ever saw that paper or any paper like it.

Mr. Garrow. That is not the question. The question I put was, whether you did ever receive a paper of that at Robin's coffee-house.

A. Not at Robin's coffee-house.

Q. Did you ever receive one ?

A. Yes,

A. Yes, one, but not so large as this, and it was of a different date ; it was dated the 30th of January.

Q. Where did you receive that ?

A. From Mr. Baxter, but I forget where.

Q. It was not the same sized paper you received from Baxter ?

A. No, it is not, by the same sized paper.

Q. What is the date of that paper ?

A. The first of April 1794.

Q. Did you at any time from Baxter, a member of the London Corresponding Society, receive a paper of the same contents as that, except that the date was the 30th of January, upon the different sized paper ?

A. Yes.

Mr. Erskine. What did you do with that paper ?

A. It was destroyed before I was taken into custody.

Mr. Erskine. I submit to your Lordship, that such questions ought not to be asked.

Mr. Attorney General. It shall not be said, when a paper is produced that your Lordships hold to be legal evidence ; it shall not be said in this court, that the paper is fabricated by the spies of those who carry on the prosecution.

Lord Chief Justice. I hope that was not said.

Mr. Attorney General. But it was my Lord, by my learned friend.

(*The Clerk reads.*)

For the BENEFIT of JOHN BULL;

At the FEDERATION THEATRE in EQUALITY
SQUARE,

On Thursday, the 30th of January, 4971,

Will be performed,

A NEW AND ENTERTAINING FARCE CALLED

LA GUILLOTINE ;

OR,

GEORGE'S HEAD IN THE BASKET !

Dramatis Personæ.

NUMPY the Third, by Mr. GWELP,

(Being the last time of his Appearing in that Character.)

Prince of Leeks, by Mr. GWELP, junior.

Duke of Dice, by Mr. FREDDY, (from Osnaburgh.)

Duke of Jordan, by Mr. William Henry FLOGGER,
(from the Creolian Theatre.)

Uncle

Uncle Toby, by Mr. RICHMOND,
Grand Inquisitor, Mr. Pensioner REEVES.
Don Quixote, Knight of the Dagger, Mr. Edmund CALUMNY,
And Chancellor of the Exchequer, by Mr. Billy TAX-LIGHT,
Municipal Officers, National Guards, &c. by Citizens
XOF, NADIREHS, YREG, ENIKSRE, &c.
Banditti, Assassins, Cut-Throats, and Wholesale Dealers in Blood,
by the EMPRESS of RUFFIANS, the EMPEROR of HARM-
ANY, THING of PRUSSIA, PRINCE of
S. CASH-HELL, &c.

BETWEEN THE ACTS A NEW SONG CALLED,
TWENTY MORE, KILL THEM! BY BOBADIL
BRUNSWICK.

TIGHT ROPE DANCING from the LAMP-POSTS,*
By Messrs. CANTERBURY, YORK, DURHAM, &c.
In the course of the Evening will be sung in full Chorus,

C A I R A,

AND

“BOB SHAVE GREAT GEORGE OUR ——— !”

THE WHOLE TO CONCLUDE WITH

A GRAND DECAPITATION

OF

PLACEMEN, PENSIONERS, and GERMAN LEECHES.

* * Admittance Three Pence each Person.

Vive la Liberté ! Vive la Republique !

* French Fashion.

Mr. Garrow. You received one of these papers of a different date ?

A. Yes, the 30th of January, 4971.

Q. At what time did you receive your paper ?

A. I do not recollect what time, it is some time ago.

Q. Where ?

A. I cannot recollect where I received it.

Q. From Mr. Baxter, about three months before January ?

A. Yes.

Q. Then it was delivered to you near three months before the thing was to take place ?

A. I think it was near three months.

Q. You have given us some account that you did not know what past at Chalk Farm.—After the meeting at Chalk Farm, did you go to Compton-street on the evening of that day ?

A. Yes.

Q. What was the place of Compton-street—what connexion had that with the society ?

A. It

A. It was where the division used to meet at the coffee-rooms.

Q. Did you sup there?

A. I did.

Q. How late did you stay?

A. Not late; I went away about eleven o'clock.

Q. Who was there?

A. A great many.

Q. Were they members?

A. I understood it so; they came from Chalk Farm.

Q. Was Mr. Thelwall there?

A. Yes, Mr. Thelwall was.

Q. Did you, in any of the meetings of the society, or its committee, receive any information with respect to arming in any way, except that which you have told us about pikes, and Franklow's association?

A. Never.

Q. Do you know a person of the name of Ashley?

A. Yes.

Q. Was he a member of the society?

A. He was.

Q. Did you ever receive any information from Ashley, of arming by pikes?

A. I never did.

Q. Do you know a person of the name of Joyce?

A. I have seen him two or three times.

Q. Do you remember any meeting at the Crown and Anchor upon the 2d of May, in the present year?

A. I was there.

Q. In what manner was you admitted?

A. I was admitted by a ticket.

Q. How came you by that ticket?

A. Mr. Joyce made me a present of it.

Q. By whose recommendation?

A. By Mr. Thelwall's: Mr. Thelwall called him out of the room, and he gave me a ticket.

Q. What was that meeting?

A. The anniversary dinner of the Constitutional Society?

Q. You was present at the dinner of the Globe Tavern, likewise?

A. Yes.

Q. Do you remember any printed paper being distributed at that dinner, at the Globe Tavern?

A. After dinner, there was an address again read, that had been read in the morning and distributed about.

Q. Where had that address been read in the morning?

A. At

A. At the Globe Tavern before dinner?

Q. Was there any conversation at that dinner about any troops; any Hessian troops for instance?

A. I do not recollect that.

Q. Pass that, and go to the dinner of the 2d of May, at the Crown and Anchor: will you give us some account of that, how that festivity was conducted; but before I go to that, I will ask you as to the dinner at the Globe Tavern; you do not recollect the circumstance of any paper respecting Hessian troops?

A. No.

Q. Do you recollect any paper that respected the different parties in this country, the Ins and Outs?

A. Not there; I saw one at the Three Tuns, Snow-hill.

Lord President. When was that?

A. I do not recollect when it was?

Q. Before or after the 20th of January?

A. I think it was after.

Mr. Garraw. You was not present at Robin's coffee-house when Mr. Yorke made his speech?

A. I was not.

Q. Do you know a person of the name of Hodgson?

A. Mr. Hodgson, the hatter, I know.

Q. Have you ever received any printed paper from him?

A. No, never.

Q. From him, or from Mr. Lovett?

A. No.

Q. From Mr. Hodgson, the printer, in Bell-Yard?

A. No, I never did.

Q. Have you been present at any time at Mr. Thelwall's lectures in Beaufort Buildings?

A. No.

Q. Was it permitted for any body to take notes of his lectures?

A. I do not know.

Q. Was you ever present when any persons were doing so, and were interrupted?

A. No, I never was.

Q. Be so good as to state to us what the price was to be laid down for these pikes?

A. One shilling; it was to be sent to Sheffield for blades.

Q. The blades were to be furnished from Sheffield—what then?

A. Any person might have put a shaft to it that thought proper.

Q. Do you know a person of the name of Gosling?

A. Yes, I do.

Q. Do

Q. Do you know a person of the name of Hillier ?

A. Yes.

Q. Had you any conversation at any time, or any instructions from Mr. Gosling on the subject of pikes ?

A. No, none from Gosling.

Q. Had you any conversation with him upon that subject ?

A. Gosling came to my father's house on the Monday that Mr. Hardy was taken into custody, to know where the meeting for the pikes was to be held.

Q. What was the purport of that meeting ?

A. It was to put down the money for the pikes.

Q. Where was it to be ?

A. At the Parrot in Green-Arbour Court, Old-Bailey.

Q. And that meeting was postponed till the week following, and in the interim, the week following, they took you ?

A. Yes.

Q. Did they come to you before you knew Mr. Hardy was apprehended.

A. Yes, they came to me before I knew that Mr. Hardy was apprehended ; for while they were there, a person came to tell that circumstance.

Q. What was to be furnished for the one shilling ?

A. A blade.

Q. Nothing else ?

A. Nothing else.

Q. How were they to procure the shaft to make the pikes complete ?

A. I do not know, they might get that where they thought proper.

Q. At that time, what sort of wood were the shafts to be made of ?

A. Fir ones was recommended in the letter.

Q. In consequence of that recommendation were any others procured ?

A. I made one myself.

Q. We saw one here just now, in which the blade was fixed to the shaft, was your's of that construction ?

A. No, it was made to screw on. (*produces the handle.*)

Q. Is that the shaft of your's ?

A. Yes, that is the shaft, only the blade screws in it at top.

Q. What is become of the blade ?

A. It was destroyed on the Wednesday before I was taken into custody, after I was informed that Mr. Hardy was taken into custody.

Q. How happened that to be destroyed—by whose advice was it destroyed ?

A. By

A. By nobody's.

Q. Why did you destroy it?

A. Because I was afraid it would be found upon me.

Q. Besides this play bill that we have had, do you know of any representations by magic lanthorn, or other device used as connected with that subject?

A. I had a magic lanthorn of my own, which I produced to show Mr. Gosling.

Q. Any connexion between that entertaining apparatus and the subjects of this trial?

A. It was a magic lanthorn belonging to Monsieur Chauvelin, with the destruction of the Bastille upon it, and the death of the governor.

Q. You said you knew a person of the name of Hillier?

A. Yes.

Q. Do you know whether he had a pike?

A. I understood that he had.

Q. Was that of the same construction with your's, or was it different?

A. No; it was not of the same construction.

Q. He was one of those who was at your house the day Mr. Hardy was apprehended, and to whom you shewed your pike?

A. Yes.

Q. Do you know where his pike had been constructed?

A. No.

JOHN EDWARDS, cross-examined by Mr. ERSKINE.

Q. How long, before you was apprehended, was you a member of the Corresponding Society?

A. I became a member of the Corresponding Society last July was twelve months.

Q. You made a pike for yourself; what trade are you?

A. A silversmith.

Q. When was it you made that?

A. In March, 1794.

Q. How long had you been in the society at the time you made that pike?

A. Ever since July, 1793.

Q. For what purpose did you make it?

A. I had heard a person of the name of Yorke who had it mentioned in Robin's coffee-house, after one of the divisions broke up, that they had pikes at Sheffield, and I made one after them.

Q. But why should that induce you to make one for yourself; you must have had some motive for it?

A. I understood several of the members were providing themselves with arms, and I made it for that purpose.

Q. For

Q. For what purpose?

A. In case of any illegal dispersion of the meeting.

Q. Had you heard, Mr. Edwards, that there had been any threats of such illegal dispersions at Sheffield?

A. No, I had not heard of it, but it was just at the time the Hessian troops were landed without the consent of Parliament.

Q. Had you any intention to make use of that pike as against the government of the country?

A. Not against the government of the country.

Q. You had no intention of the sort when you went to Mr. Hardy's—what direction did you go for?

A. I asked Mr. Hardy if he was going to send to Sheffield, I said there were several members of the society wished to have pikes.

Q. Had you spoke to any members of the society who wanted them?

A. Not before.

Q. Did you after that, speak to some of the members who wanted them?

A. Yes, I did.

Q. Did you understand them to want them for the same reason as you wanted them?

A. I understood it was for the same reason.

Q. From any thing that passed between you and any of the members at the London Corresponding Society, had you any reason to believe that they wanted them for a rebellion against the government and magistracy of the land?

A. No, not for any legal people that might be sent to disperse them.

Q. But if you were attacked without the law or the authority of a magistrate you thought you had a right to defend yourselves?

A. Yes.

Q. I believe in consequence of that you made a proposition in one of the divisions, when there were sixteen persons present?

A. That was long before I had the direction from Mr. Hardy.

Q. What was the reason of your making that proposition?

A. Because there had been great opposition shewn to the meetings of the society before that time.

Q. Where any opposition offered to you?

A. There was, at Rotherhithe, two of the police officers came in, and said they wanted men for his Majesty's service.

Q. Did you think in your conscience you were doing right?

Mr. Attorney-General. I object to that question—is that a proper question?

Lord President. Being upon the cross-examination of a witness, I think he may be asked whether he at the time apprehended that the thing he was doing was lawful or unlawful, whether it was so or not will not depend upon his apprehension, but if he has done an illegal thing innocently, he may be asked to that, and it may go to the general evidence.

Witness. At the very time that they came in we were reading the resolutions of Mr. Pitt and the Duke of Richmond at the Thatched House Tavern.

Mr. Erskine. I am really not an advocate for the conscience of Mr. Pitt or the Duke of Richmond.

Mr. Attorney-General. It is really too grave an occasion for such an observation.

Mr. Erskine. It is really hard upon me that I should be eternally assailed by these gentlemen, when I alone have the arduous task of extracting the truth from these witnesses.

Lord President. If you are improperly interrupted, I will certainly interpose, but it is perfectly impossible that the business can go on unless the gentlemen will exercise a mutual forbearance on both sides. You are a little apt to break out, and I think there has been a little inclination sometimes to observe more upon it than the thing called for.

Mr. Erskine. At the time that you were opposed in this manner, were you doing any thing which, in your apprehension, and your own mind, was wrong?

A. We were not.

Q. From any thing that you saw, and from any thing that you heard from these persons with whom you associated, did you collect that they intended to make a different use of the pikes from that for which you had made your own?

A. I did not.

Q. When you made this proposition to have a society upon the same plan as that of the Lambeth—what name did that association bear?

A. It bore the name of the Loyal Lambeth Association.

Q. If you had thought that this association at Lambeth were a meeting of persons that meant to oppose the government and magistracy of the country, would you have belonged to it?

A. No.

Q. Do you recollect the prisoner, Mr. Hardy, saying any thing about that?

A. No, I do not, I never heard him say any thing of that kind.

Q. Have you seen him several times at your divisions?

A. Yes.

A. Yes.

Q. In what manner did he demean himself at these meetings?

A. In a very quiet manner, I never heard him speak at the divisions, not once.

Q. Did he appear to be a man of turbulent disposition?

A. No, quite a different character.

Q. Did you ever hear any expressions from him in the meeting that led you to suppose otherwise?

A. I never heard the prisoner make use of an improper expression since I have been in the society.

Q. Did you ever hear Mr. Hardy make any proposition for arms or pikes?

A. Never.

Q. Was you ever present when any proposition of that sort was made to him, and he assented to it, or encouraged it?

A. No, I never heard any thing mentioned but what was mentioned in his shop, and there was nobody there but him and myself.

Q. Did you tell him that you had made a pike for yourself at any time?

A. Yes, I did.

Q. Did you tell him for what purpose you had made it?

A. No, I don't think I did.

Q. He knew you as a member of the society?

A. Yes.

Q. This bill, upon what occasion was it that Baxter gave it to you?

A. Baxter had one or two that he gave to two or three persons of the division, No. 29, and I asked him for one.

Q. Why did you ask for a thing that was perfectly ridiculous and indecent?

Lord Chief Justice. And you might add, very infamous; it ought not to be mentioned; I am sure, without some strong term of detestation.

Mr. Erskine. I am sure your Lordship cannot think that I mean to be an advocate for a thing of that sort; it is certainly truly infamous.

Q. How came you to ask Mr. Baxter for it?

A. I saw it at a distance; I could not read it, and asked him to get me one.

Q. Did you ever hear any thing pass from any member of the society, more especially from the prisoner, that leads you to conceive he would have approved of any thing of that nature?

A. No.

Q. Did you ever hear any expression pass in the course of the meeting

meeting that would lead you to think they thought otherwise of the bill than his Lordship has now said?

A. I heard a person the same night say it was an infamous bill and said it was too bad to be published.

Q. Was that bill countenanced by any members of the Society?

A. It was only given to two or three.

Q. Have you any reason to believe the prisoner ever knew any thing of that bill?

A. Not to my knowledge?

Q. Do you believe he would have encouraged a bill of that description, or supported it?

A. I do not believe any such thing.

Mr. Garrow. With respect to this infamous bill which was considered so by those who received it; did you receive it in a division meeting?

A. Not at a division meeting.

Q. From a member of the London Corresponding Society?

A. Yes, Mr. Baxter.

Q. Near three months before the date mentioned in it?

A. Yes.

Q. With respect to its absurdity, you having seen two or three delivered to different persons, you asked for one?

A. Yes.

Q. That was not precisely the same bill that has been produced to day?

A. No.

Q. This is a larger one, that purporting to be on the 30th of January, this is the first of April subsequent?

A. Yes.

Q. If I understand you right, you did not form any pike for yourself till after you had heard from Mr. Yorke, that the Society of Sheffield were preparing pikes for themselves?

A. I heard him say one night at the division, from Mr. Yorke, that the people at Sheffield had got pikes.

Q. How came you to go to Mr. Hardy for a direction for pike-blades?

A. Because I understood that Mr. Hardy knew the secretary, or some person in Sheffield to whom I could send.

Q. If I understand you right, the particular occasion upon which these pikes were to be made, was upon the landing of Hessian troops without the consent of Parliament?

A. No, I said I made it just at the time the Hessian troops were landed without the consent of Parliament.

Q. Then I mistook you, your making your pike had no relation to the landing of Hessian troops?

A. Not

A. Not in consequence of their landing.

Q. Nor connected with it?

A. Nor connected with it?

Q. Before you made it, and at the time Mr. Yorke communicated that the people of Sheffield had procured pikes, did you know that the Sheffield Society in correspondence with yours, had published a resolution, that the landing of Hessian troops, a ferocious and unprincipled horde of butchers, without consent of Parliament, has an alarming appearance; and that the barracks now erected may be filled with them; and that it was fit for you to be on your guard.

A. No.

Q. How soon did you hear of that resolution from the Sheffield Society?

A. Not for some time after?

Q. Upon your oath, was your pike completed before you heard of it?

A. No, it was not.

Q. Upon your oath, will you venture to say you had began to make it before that communication from the Sheffield Society?

A. No, I had not.

Q. Then I believe I am right in the way I took it, your making of that was owing to the landing of Hessian troops?

A. No, it was about the time.

Q. Was it soon after you had heard of the spirited resolutions of the Sheffield Society, on the cause of landing these troops—when did you hear of these resolutions?

A. I saw them in a book I purchased at Mr. Eaton's shop.

Q. Was he a member of the London Corresponding Society?

A. Yes, he was.

Q. How long was you in the society, met in general meetings in the committee of delegates and secret committee, without the use of pikes, or fabrication of any, antecedent to the landing of Hessian troops?

A. I should suppose two years.

Q. Had you met with any interruption at any time, except by these two police officers you mentioned?

A. Yes, some police officers came in once in Bunhill-Row.

Q. Had you met with any interruption in your general committee, or secret committees, but by the officers of the peace?

A. No.

SAMUEL WILLIAMS sworn—examined by Mr. BOWER.

Q. What is your profession?

A. A gun-engraver.

Q. Do you know the prisoner at the bar, Mr. Hardy?

A. I do.

Q. Do you know a person of the name of Franklow?

Q. Yes.

A. Yes.

Q. When did you first meet with Mr. Franklow, if you ever met with him at all?

A. At his own house.

Q. Did you ever see him at Mr. Hardy's?

A. No.

Q. Were Mr. Hardy and Franklow together at any time, when you saw him?

A. Never.

Q. Was Franklow a member of the London Corresponding Society, or the Society for Constitutional Information?

A. He was a member of the London Corresponding Society.

Q. Did Franklow ever apply to you to make any arms for him?

A. Yes.

Q. About what time?

A. I cannot positively say to the time.

Q. Were you a member of the London Corresponding Society?

A. Yes.

Q. From what inducement did you become a member?

A. The first of it was, I saw an advertisement in the daily paper, of the meeting of the Corresponding Society, about the middle of last year; I saw an advertisement in the Daily Advertiser, of a general meeting of the society to be held in the Strand, I saw likewise tickets for admission were to be had of Thomas Hardy the secretary; in consequence of which I went to Mr. Hardy, No. 9, Piccadilly, Mr. Hardy informed me it was not customary to deliver tickets to any who were not members of the society, and we had some further conversation, in which he said something respecting a Reform in Parliament.

Q. Do you mean to say, the substance of the conversation was to state what was the object of the society?

A. Yes, that it was for a Reform in Parliament, he gave me an address that the London Corresponding Society had published, and I gave him an order to make me a pair of shoes; I told him I was in a line of selling guns. I told him if he knew any person that wanted any such thing, I would be glad if he would recommend me, he said he did not know any such person, but if he heard of any such person, he would let me know. The next time I went to his house, he told me to bring a gun and the price, which I did, and he sold it for me.

Q. On your account or his?

A. On my account.

Q. How long after you first saw him did you go again?

A. It might be a week or fortnight; I gave him an order for a pair of boots, he told me to bring two or three more guns, which

which he sold likewise, and one gun was in his house which was never paid for.

Q. For your benefit?

A. Yes.

Q. Did you know a person of the name of Spence?

A. Yes, I saw him once.

Q. Was Spence a member of the London Corresponding Society?

A. I cannot say, I never had any conversation with him in my life.

Q. Where does he live?

A. In little Turnstile, Holborn.

Q. Upon what occasion did you go there?

A. To instruct persons in the manual exercise.

Q. At whose request did you go to Spence's house?

A. At the request of Mr. Franklow.

Q. How many persons did you see in Mr. Spence's house that were assembled for the purpose of learning the manual exercise?

A. Four or five.

Q. Do you mean four or five in all the times you went?

A. I saw six or seven in all the times I went.

Q. Where did they exercise, in what part of the house?

A. Up stairs, in a one or two pair of stairs, a small triangular room.

Q. Backward or forward?

A. I believe it was forward, but I cannot be positive.

Q. At what time of night was it you went to instruct these people in their manual exercise?

A. Between eight and nine in the evening.

Q. At what time in the year was this?

A. In the fall of the year, before Christmas.

Q. It was of course dark then?

A. Yes.

Q. Did you exercise them by candle-light in the room?

A. Yes.

Q. Where were any shutters to the windows, or curtains?

A. I believe there were curtains.

Q. Was there any body else but yourself to exercise them?

A. No.

Q. Did you teach them their exercise?

A. Yes, I did.

Q. What night in the week was it that you used to meet?

A. I believe it was of a Thursday night.

Q. Who introduced you at first to the London Corresponding Society?

A. I told

A. I told Mr. Hardy I should be glad to become a member of the London Corresponding Society, but I did not know any person who would introduce me, and he named several persons that I did not know, he said he would propose me, and I went by his proposition, and I became a member.

Q. How soon did you become a member?

A. I cannot say the time.

Q. How soon after your first seeing Mr. Hardy?

A. It might be a fortnight or three weeks.

Q. Did you know any thing of a society called the Loyal Lambeth Association?

A. Yes, that was the association these people I exercised belonged to.

Q. Did you ever go to Lambeth to exercise them?

A. I went to Franklow's house, No. 1, China-Walk, Lambeth.

Q. How did you find where Franklow's house was?

A. When I went to Mr. Hardy's one night, Mr. Hardy gave me Franklow's card. He said he was going to raise an association, and wanted some person to supply them with arms.

Q. When was that; how soon after you had been introduced to Mr. Hardy?

A. About six weeks or two months.

Q. In consequence of that, did you get a card of address from Mr. Hardy to Mr. Franklow?

A. Yes.

Q. When did you go to Lambeth to Franklow's house?

A. Two or three nights after I was at Mr. Hardy's.

Q. Did you find the same people there that you met at Mr. Spence's or different people?

A. Different people.

Q. What did you do when you went to Franklow's, as to the people you met there?

A. They were reading over the articles of the Lambeth Association.

Q. Do you happen to know whether the Lambeth Association was composed of Lambeth inhabitants?

A. No, it was not entirely.

Q. What was the name they gave themselves?

A. The Loyal Lambeth Association.

Q. Who were the Lambeth inhabitants that you knew of that association, Franklow lived there?

A. I cannot say that I knew any.

Q. How often might you attend there for the purpose of disciplining those men?

A. I cannot say, Franklow disciplined them at his own house.

Q. Do

Q. Do you happen to know how many there might be of the Lambeth Association?

A. I do not know.

Q. Do you happen to know from Mr. Franklow, or them, whether he had applied to any magistrate, for authority to raise this association?

A. I do not.

Q. How many arms did you yourself supply?

A. Eleven.

Q. By whose order?

A. Mr. Franklow's.

Q. Who paid you for them?

A. Mr. Franklow paid me for ten.

Q. These were besides those Mr. Hardy sold for you?

A. Yes.

Q. Had you any intimation that more arms would be wanted for this association?

A. There were to have been sixty.

Q. Do you know for what purpose that Lambeth association was formed?

A. From the articles only.

Q. Look at these articles, and tell me if these are the articles of their association?

A. Yes, these are the articles.

Jury. Were these arms fuzees?

A. They were muskets, with steel bayonets and rammers complete.

Q. These are the articles of the association; be so good as read the preamble of them?

(The Clerk reads.)

" Rules, articles and regulations, to be observed by the members of the Loyal Lambeth Association; London, printed for the society :

" Whereas the fear of invasion and civil commotions has alarmed several of the inhabitants of this parish and its vicinity, we have thought proper to form ourselves into a military association, to be distinguished by the name of the Loyal Lambeth Association, united for the defence of their lives and property, against all subverters and levellers whatever."

Q. Mr. Spence's house was in Little Turnstile, Holborn?

A. Yes.

Q. That was where part of them met?

A. Yes, and part of them near the Borough, in Southwark.

Q. Do you happen to know whether there was a single person disciplined either at Mr. Spence's or Mr. Franklow's, who was not a member of the London Corresponding Society?

3 M

A. I can

A. I cannot say, I never made that enquiry.

Mr. Erskine. I wish to have the articles read.

Mr. Bower. I have no objection, I am sure.

(*The Clerk reads.*)

"This association shall consist of one captain, one lieutenant, one ensign, one serjeant, one major, sixty rank and file, two drummers and fifers.

"Every person proposed and recommended, shall be nominated a week previous to his introduction, &c."

Q. I see this association is for the purpose of stepping forth in case of fire, commotions, or tumults, but not beyond the parish of Lambeth—Do you know that any of them lived in the parish of Lambeth, except Franklow?

A. I knew some of them did not.

Q. How came Mr. Spence's house to be fixed upon for a place to exercise them?

A. I cannot tell no other than that they could not get any place else; it was thought proper by Mr. Franklow, if the association filled fast enough, to divide the association into ten divisions; one was to be at Mr. Spence's, another at John Sheldine's, in Southwark, and others in different places.

Q. Had you, at any time that you was supplying arms to this society, any conversation among them respecting Parliamentary Reform?

A. Yes, there was conversation passed between them more times than once.

Q. Will you tell us what the subjects of those conversations were?

A. I really cannot recollect, I never did minute any thing down.

Q. Tell us the substance of any conversation upon Parliamentary Reform?

A. The conversation I could collect was, that if they did not get a Reform in Parliament without, they would endeavour to get it by force of arms.

Mr. Gibbs. I object to this, and the objection I have to make, is, as to what this man has heard from the Lambeth Society; for, unless they were members of the London Corresponding Society, cannot be evidence against Mr. Hardy—I understand, that the Court have determined that any thing from the members of the Corresponding Society may be evidence against Mr. Hardy, but I do not know that this now is evidence against Mr. Hardy, when he do not know they were members.

Mr. Bower. I understand you that Mr. Hardy gave you a direction to Mr. Franklow's?

A. Yes, he gave me Franklow's card.

Q. In

Q. In consequence of that, you went to Franklow's, where these persons were?

A. Yes.

Mr. Bowers. Then I submit it can be evidence.

Lord President. The evidence does not seem to go farther than in the course of trade; he buying shoes of Mr. Hardy, Mr. Hardy recommends Williams in the way of his business: it would be evidence against Mr. Hardy the moment you prove that the society at Franklow's is in connection with Mr. Hardy; and there is nothing that I can find, at present, that connects Franklow's transactions with Mr. Hardy, except as far they may be members of the Corresponding Society—and it appears to me that the examination rather fails; for the witness does not undertake to know that any of these men were members of the London Corresponding Society.

Q. Was Mr. Franklow a member of the London Corresponding Society?

A. Yes.

Q. Was John Shelmerdine a member of the London Corresponding Society?

A. Yes.

Q. Do you know John Williamson?

A. I know him, but whether he was a member or not I cannot say.

Q. Do you know James Davis?

A. I never saw him but once.

Q. Do you know if he was a member of the London Corresponding Society?

A. I cannot take on me to say.

Lord President. This association is undoubtedly an association formed by Franklow, and the transactions of that association might be let in.

Mr. Solicitor General. It has been proved, that at the dinner of the society, upon the 20th of January, he appeared in his regimentals.

Mr. Gibbs. He did so, but I will put the case to your Lordship: I do not apprehend that if any gentleman who wears a particular uniform, had dined with your Lordship that day, that your Lordship would be affected by any thing that that gentleman may have said, or any in his society; I dare say I might speak of a gentleman who did dine with your Lordship, but will it be said that what he shall say, will be evidence against all those that attend at this meeting—it seems to be an argument that cannot stand for a moment.

Another way in which it has been put, is, that because Franklow was a member of the London Corresponding Society, and,

cause being a member of the London Corresponding Society, he presided at another society, for a purpose that is not connected with the London Corresponding Society, therefore his declarations are evidence against Mr. Hardy; because he is one of those thousands of which the London Corresponding Society consists, every thing he says is to be evidence against Mr. Hardy. —It does not seem to me, upon any principle in law, that any thing which any of these men happening only to belong to a society instituted by Franklow, that any of those men so sub-connected with the society of which Mr. Hardy only happens to be a member, that the declaration of any of them can, upon oath, be evidence against Mr. Hardy, to prove that he has compassed the King's death, or done acts which amount to that. I can see no principle upon which that can be contended.

Mr. Bower. I can prove by a witness, that no persons were to belong to this association who did not belong to the London Corresponding Society.

Lord President. I am sorry we have been so unfortunate as not to make ourselves understood at the bar: we understood that there was a species of evidence which had no immediate relation to the prisoner, and that there was a species of evidence that had an immediate relation to the prisoner; that some evidence being given of his having been involved in the conspiracy, all the transactions of that conspiracy to which he is made a party, he will be bound by if he is connected with the general plan, always with this reserve, that there must be evidence against him to prove him so involved in the plot as to become responsible for all the parts of it; but there may be a doubt whether this particular case falls within the principle: the first thing to consider here, is, whether there is any evidence of Franklow being a member of the London Corresponding Society.

Mr. Attorney-General. You were a member of the Corresponding Society?

A. Yes.

Q. Was Franklow a member of the Corresponding Society?

Mr. Bower. Whether previous to your admission to that society, you had any conversation about the London Corresponding Society, before you were appointed to provide any arms for the Lambeth Society?

A. I cannot recollect any particular conversation.

Q. Was you admitted a member before you was employed?

A. Yes.

Q. How happened you to be admitted a member of the London Corresponding Society?

A. Mr. Hardy told me to meet a person, a young man, to go

go with him to his division, and he would propose me—and Mr. Hardy would second it.

Q. Before you supplied the arms for the Lambeth Society, were you asked if you was a member of the London Corresponding Society?

A. I do not recollect.

Q. Did Franklow know that you was a member?

A. I have no reason to think he did not; I believe he did.

Q. Mr. Hardy did know it?

A. Yes.

Q. Then tell us the substance of any conversation of the members of this society respecting the purposes of associations for Parliamentary Reform among themselves?

Mr. Gibbs. I object to that.

Lord President. They have gone so far as to prove that Franklow was a member, and two or three others.

Mr. Gibbs. It seems to me, it is not open to Mr. Bower to fix the prisoner at the bar with what he may fancy he has collected from conversation he has heard at this society, without mentioning who those persons were, and from whom he heard it; for how am I to contradict it,

Mr. Bower. Do you recollect any of the persons from whom you have heard such conversation?

Lord President. You said, that from conversation among them, you understood what they intended to do—what were those conversations, and from whom did you hear them?

A. I really cannot name the persons, I make no doubt but Mr. Nodder and Mr. Saunderson might be present.

Lord President. Who are they?

Mr. Bower. I am going to call them now.

Lord President. Are they members?

Mr. Bower. Yes, they are.

Q. Did you hear any thing from Franklow about a Parliamentary Reform?

A. I cannot say particularly what he said, but he was present I believe.

FREDERICK POLYDORE NODDER sworn—examined by Mr. BOWER.

Q. Were you a member of the Lambeth Loyal Association?

A. No.

Q. You never was there at all?

A. No.

Q. Was you ever at Mr. Spence's in Turnstile?

A. Yes.

Q. Was you ever there when any of the Lambeth Loyal Association were there?

A. I cannot

A. I cannot tell, for I do not know any persons of that description.

GEORGE SAUNDRSON sworn—examined by Mr. BOWER.

Q. Were you present at any meeting of the Loyal Lambeth Association?

A. None of that description that I know of.

Q. (*To Williams*) Did you ever hear any conversation in the presence of Franklow from the persons that were at this association?

A. Yes, I have, but I don't know by whom.

Mr. Erskine. I object to that question.

Lord Chief Justice. All that can affect Franklow by general evidence, is certainly admissible.

Mr. Erskine. The court has ruled, that where any member of the Corresponding or any other society, with which they were connected, have said any thing, or any member has done, would be evidence to prove the first branch of the conspiracy, going in and building up evidence that will finally affect the prisoner, therefore I think it necessary for me to state to your Lordship, what I take to be the case here. Mr. Bower stated that, which if he had proved, would have put an end to our objection, that all the members of the Loyal Lambeth Association were members of the London Corresponding Society, or if they were not, if the witness had said that what passed came from a member would be admissible evidence; but your Lordship has truly said, that Mr. Hardy does not seem more connected with Franklow, who is serjeant-major of this Association, except this man taking shoes of Hardy, and Mr. Hardy recommending him to Franklow; it would be rather too much, and going beyond the rule, to state that I heard so and so in the presence of Franklow, therefore it becomes an object of mere suspicion, and more our duty to guard against it; the witness cannot specify who they are, but thinks they are all members, *Non constat*, that it was so said by a member of the London Corresponding Society.

Lord President. The ground of the admissibility of the evidence is simply that Franklow is a member of the London Corresponding Society; then, as a circumstance of the general conspiracy, it is offered to be proved that Franklow had framed an association of armed men, to which they will impute a design connected with this alledged conspiracy; whatever therefore will fix Franklow with that has been considered as proper evidence to the general charge, and the only question therefore is whether laying, for a moment the case of the prisoner out of the question, supposing Mr. Franklow stood at the bar, whether if he meant an association of this description? and whether there are conversations passing in his presence from which a bad design can be imputed

imputed to this association, whether that is not admissible evidence, as against him so far as he agrees to it; but it seems that what passes in the hearing of a man having any sort of connection with the prisoner, is evidence.

Q. Where was it that Nodder and Saunderson were present?

A. I never saw him only at Shelmerdine's and Spence's.

Q. (To Nodder) You are a member of the London Corresponding Society?

A. I am.

Q. Were you present at Shelmerdine's, and at what time, when the last witness was there, when the persons were assembled for the purpose of being trained?

A. I do not know that I ever saw Williams but at Spence's.

Q. Was that when Williams was teaching persons their manual exercise?

A. It was.

Q. You was one of them?

A. I was.

Lord President. Which society were you a member of?

A. The Corresponding; I have my ticket.

Q. Do you happen to know whether the persons that were exercising there, were members of the Corresponding Society?

A. I don't know all, but some of them were there.

The ticket read, "No. 35, London Corresponding Society, united for a Reform in Parliamentary Representation—unite, persevere, and be free. On the back, Frederick Nodder, paid to Midsummer 10d. Samuel Hopper, 1794."

Mr. Bower. I see I cannot carry this farther.

Lord President. The court decided that you may go into evidence of conversation in the presence of Mr. Franklow.

Mr. Bower. When Mr. Franklow was present, tell me now whether you recollect any conversation, or any part of a conversation, which respected the London Corresponding Society, and the purposes of their associating?

A. I really cannot recollect the conversations.

Q. Can you recollect any part of them; by being with them various times, and hearing their talk?

A. I saw there were some among them that I took no notice of, nor gave myself any concern about them.

Q. When they met was the subject of Parliamentary Reform introduced as a subject of conversation at all?

A. No, it was not generally introduced, but they would be privately talking to one another.

Q. Where they talking so that Franklow heard them?

Mr.

Mr. Justice Grose. We don't know who they were talking to.

Lord President. I think it is a sort of evidence that you had better not press.

Mr. Bower. They told you they should want about sixty muskets, that you heard from Franklow?

A. Yes, from Mr. Franklow.

Q. Did you hear any thing, or had you any directions from Mr. Franklow or Mr. Hardy upon the subject of arms of any other kind?

A. I was one night in Mr. Hardy's shop when a person there asked me how long—

Q. Was Mr. Hardy present?

A. Yes, he was a stranger, he asked me how long I could be in procuring a thousand guns, I told him I could not think of getting so many in the situation I was.

Q. What said Mr. Hardy to it?

A. I don't know that he made any reply.

Q. Was any thing more said?

A. He said there might be a thousand a week got from Sheffield; I told him such a thing might be, but I could not undertake any thing of the kind, and there, as far as I can recollect, the conversation dropped.

GEORGE SAUNDERSON sworn—examined by Mr. LAW.

Q. Where do you live?

A. I live in Butcher-Row, Temple-Bar.

Q. You keep a public house?

A. Yes, the Bunch of Grapes.

Q. Was you ever at Mr. Shelmerdine's with Mr. Williams and Mr. Nodder?

A. Yes, the 2d of April.

Q. What was the occasion of your going there?

A. To decide a bet.

Q. Did you see any arms there?

A. Yes.

Q. Who did they belong to?

A. They belonged to the armed association.

Q. What is Mr. Shelmerdine?

A. He is a hatter.

Q. How many do you believe were there?

A. I suppose there were about seven or eight stand of arms.

Q. Of how many persons did this armed society consist?

A. I suppose of about four or five and twenty.

Q. Do you know whether all those persons were members of the London Corresponding Society?

A. I should suppose all of them; for they objected to my being a member

a member of the armed society because I was not a member of the London Corresponding Society.

Q. Did you afterwards become so?

A. I did.

Q. How many persons have you seen together of this armed association?

A. About twenty-four or twenty-five. We did not all meet at Mr. Shelmerdine's, it was thought dangerous, they met at another place, where they might with more safety.

Q. Who had you to teach the military exercise?

A. We did not exercise there.

Q. At the place to which you adjourned?

A. No, nor there.

Q. To what house did you adjourn?

A. To Worcester-street.

Q. Was the person's name Day?

A. Yes, when we went to Day's we went up stairs, we were informed that there was a private committee who had fixed upon certain places where we were to exercise.

Q. Where does that committee sit?

A. They sat with the rest at Day's.

Q. Where were those private places?

A. One was at Spence's, another was in a blacksmith's-shed in Westminster.

Q. Did you assemble at any time at either of those places?

A. Yes, I went to Spence's first, and then to the shed in Westminster; we met once or twice a week.

Q. For what number of weeks did you meet there?

A. I called several times but there was no one there; the 11th of April was the first time I exercised, and I continued going to Spence's and this shed; till the first of May.

Q. Who were the persons that taught you?

A. Franklow in general, or Williams, or Hall.

Q. What was the greatest number you have met at either of these places you have mentioned?

A. I don't remember we ever met above six.

Q. And you was there taught your military exercise?

A. Yes.

Q. What was Hall?

A. I believe a taylor.

Q. Had he served abroad?

A. He had served in the French army, he said.

Mr. Erskine. You have not proved him a member?

Mr. Law. Yes, he is a member.

Q. You was afterwards admitted?

A. Yes.

Q. What was the reason that you went from Shelmerdine's?

A. It was thought not so safe to exercise at Shelmerdine's; he frequently changed his men, and the reason he gave was, that some of them might not be staunch to the cause, and therefore it might be hazardous to meet in his house.

Lord Chief Justice. To what cause?

A. If I may judge from the conversation, it was to obtain a Parliamentary Reform at the point of the bayonet.

Mr. Law. The cause for which you were associating?

A. Yes.

Q. You had articles of association?

A. I never read the articles.

Q. Did not they act upon the articles?

A. I don't know, one of the articles was, that they should pay so much upon admission, one half to provide arms, and the other half to defray the expences of the society.

Q. Was you a member of the thirteenth division at Robin's coffee-house, Shire-lane?

A. Yes, I was received a member the same night as Mr. Nodder was.

Q. Do you remember any members in the month of May last, giving an account of the time when Mr. Pitt would probably be at the House of Commons?

A. It was in the month of May, I don't recollect the night, one of the members got up, and said, Citizens, Mr. Pitt—

Q. Was it at a meeting of the division?

A. It was.

Mr. Erskine. Which of the members?

A. I don't know.

Mr. Law. Was it a member of the division?

A. Yes.

Jury. Was this in Shire-lane?

A. Yes.

Mr. Law. What did this member say?

A. Citizens, Mr. Pitt will go over one of the bridges, I forget which, at twelve o'clock at night.

Q. Did he accompany that by any observation?

A. There was a general clapping upon the table; and some members said it was not proper to make any comments upon it.

Q. Was any thing further said upon it?

A. They mentioned the particular bridge, and what would occasion him to stay till twelve o'clock at night; I think it was Putney bridge.

Q. Was there any piece of news, or any thing that was called good news announced by one of the members?

A. Yes, there was some good news camethat night, it was a defeat of part of the British army.

Q. Was

Q. Was that called good news?

A. Yes, it was so understood, it was so described and announced.

Q. Do you recollect any thing respecting one of the King's messengers?

A. Yes, one of them said he had the pleasure to inform the society, that one of the King's messengers had been killed in the country.

Q. Do you remember one Higgins?

A. I remember his name, though I do not recollect his person.

Q. Do you remember any observation any member made concerning his relations?

A. That if the messenger had been his own son, or his own father, he should have been happy for him to have met the same fate.

Q. Was it made by Higgins?

A. I do not know.

Q. Was any thing mentioned to the society to be cautious of spies?

A. Yes, frequently, for that in all societies spies would creep in.

Q. Do you remember any proposition for subdividing the meetings, to meet in less numbers?

A. Yes, it was a proposal to prevent our meeting at public houses, that they should be divided into tythes, that the nine others were to meet at the house of the tenth man.

Q. Was that plan acceded to?

A. It was referred for future consideration.

Q. Was there any suspicion of any of the members of the committee being a spy?

A. There was some one alluded to, but who it was I did not know.

Q. Was any thing said what they would do to spies?

A. One said he would blow his brains out if he discovered him.

Q. You had a musket furnished you from one of those people that you learned your exercise of—who had you it from?

A. I had it from Mr. Williams.

Q. That musket you have now, I believe?

A. No, I have not.

GEORGE SAUNDERSON—cross-examined by Mr. ERSKINE:

Q. And so a member said he would not care for blowing any spy's brains out?

A. Yes.

Q. Was you not a little afraid when you heard that?

A. Yes;

Q. Then you was a spy ?

A. Yes:

Q. What is that paper you have in your hand ?

A. It is merely a memorandum of dates.

Q. At what time, and what place was it that there was a rejoicing at a defeat of the British troops, and that a member said he was happy that one of the King's messengers had been killed, and that if it had been his son or his father, he should have been glad if he had met with the same fate—give me the date when that passed ; you said you had taken it—what have you taken down, Mr. Spy ?

A. When I was first introduced into the thirteenth division, it was on the 21st of April, on Friday.

Lord President. These observations are more proper when you come to address the Jury.

Mr. Attorney-General. Really that is not the course of examining witnesses ; I remember a case in which my Lord Holt made use of very strong language, that observations of that sort ought not to be made.

Mr. Erskine. I am sure I shall always pay that attention to the court which is due from me ; but I am not to be told by the Attorney-General how I am to examine a witness.

Mr. Attorney-General. I thought you had not heard his Lordship.

Mr. Erskine. I heard you though, which I ought not to have done.

Q. When was it that you heard that conversation from whence you collected, that the Reform in Parliament, was to be carried at the point of the bayonet ?

A. That was mentioned in the armed society.

Q. When ?

A. April 2d. at Mr. Day's.

Q. Where is Day's ?

A. In the Borough, near the Grove, a place called Worcester-street.

Q. How many persons were present at that time ?

A. Some were going up stairs, and some were going away ; there might be three or four, or five and twenty ; I did not expect to be called upon as an evidence.

Q. You did not ?

A. No.

Q. I wish to know from you, whether the conversation you have stated, you collected it from one person, or was it the general conversation ?

A. It seemed to be the general opinion, that a Parliamentary Reform could not be effected but at the point of the bayonet.

Q. And

Q. And you collected that it was their intention so to carry it ?

A. Yes.

Q. And you fancy this conversation was on the second of April at this place ?

A. Yes.

Q. What is it you said about a bet ?

A. The reason I went was to decide a bet.

Q. Then you made yourself a member of the London Corresponding Society, and took these notes ?

A. Yes, after I had once discovered that there was such an armed association, I staid to give notice to the Secretary of State.

Q. Should you know any of those persons again that were at Day's ?

A. Yes, I should know two or three of them.

Q. Should you know more of them ?

A. I do not know if I should ; Mr. Hall was in the chair, Mr. Franklow was there ; I think Williams was there, but I am not certain to his person : not expecting to see any thing of the kind, I was much flurried and confused.

EDWARD GOSLING sworn—examined by Mr. GARROW.

Q. Have you been any time a member of the London Corresponding Society ?

A. I became a member on the 15th April, 1794.

Q. Did you become a member in consequence of any communications between you and any magistrate of the country ?

A. I had not been positively directed to become a member of the Society.

Q. Had you communicated with any magistrate of the country before you became a member of the society ?

A. Not particularly respecting the London Corresponding Society.

Q. Who was the person that first introduced you to the society ?

A. Mr. Hillier.

Q. Did he make application to you, or you to him first ?

A. I first went to Mr. Hillier, to enquire after a person who was a member.

Q. What led you to go to Mr. Hillier ?

A. I was informed that a person I was enquiring after was a member ; upon seeing publications of a seditious nature in his windows—

Q. In what windows ?

A. In Mr. Hillier's, who sold small pamphlets ; I thought it was likely that he was a member of the society, and could give me some information.

Q. When was it you made your application ?

A. Sometime

A. Sometime in March.

Q. For what purpose did you become a member of the society?

A. When I first became a member, I was unexpectedly proposed, and on the day following I informed Mr. Wickham that I had done so.

Q. Why did you attend the meeting?

A. To discover whether they had any serious intention of arming.

Q. You had stated something to Mr. Wickham upon the subject?

A. Yes.

Q. Was it with his approbation that you attended the meeting?

A. Yes.

Q. Did you communicate to Mr. Wickham, from time to time, such facts as came to your knowledge?

A. Yes.

Q. And you went for that express purpose of getting information and communicating it?

A. Yes.

Q. Well, Sir, when was you first introduced?

A. On the 15th of April, 1794.

Q. Of what division did you become a member?

A. Number Eleven.

Q. Meeting at what place?

A. Northampton-street, Clerkenwell, the sign I do not recollect; the man's name was Holt.

Q. Did Mr. Hillier introduce you?

A. Yes.

Q. What number of persons were present at that meeting?

A. I cannot say exactly, about thirty.

Q. Did any thing material pass at that meeting?

A. There were some conversation about the proceedings.

Q. Had the meeting at Chalk Farm then taken place?

A. My first introduction was the day after the meeting at Chalk Farm.

Q. Be so good to state what passed with respect to the meeting at Chalk Farm, in the conversation of that evening?

A. I heard some persons talking that there was to be a convention; they thought it was necessary to arm, to protect that convention in the same manner as had been done in the National Convention of France—Their minds appearing to be very much heated at that time, from what had passed at Chalk Farm, I did not much think of their being serious.

Q. Were they heated with liquor?

A. No,

A. No, but with what had passed at Chalk Farm.

Q. What was described as having passed there, that had so heated their spirits?

A. A number of resolutions had passed.

Q. What was the nature of those resolutions?

A. I remember one of them.

Q. Do you recollect the tendency of any of the resolutions that were said to have passed at Chalk Farm?

A. I can remember some circumstances that occurred at Chalk Farm, I was at Chalk Farm myself.

Q. State any circumstances that occurred at Chalk Farm?

A. There were a number of resolutions read at Chalk Farm, which I cannot repeat, but one of them concluded, "That it brought Charles the First to the block, and sent James the Second from his throne;" and then one man gave a great shout. Richter had received a letter from Sheffield, I think; that a great number of persons had met at Sheffield; that they were determined not to petition Parliament any more; they said a convention was intended to be called; and I think it was to be in six weeks, or a shorter time, I cannot recollect positively the words.

Q. On this man that you spoke of shouting, were there any observation made?

A. There was some person said that they thought holding up their hands were sufficient, and this man called out he wished to be heard to St. James's.

Q. Do you know of Mr. Thelwall?

A. I was informed there was a person whose name was Thelwall, he spoke several times.

Q. Do you recollect any particular expressions that struck you at the time?

A. He said something that Mr. Dundas had attempted to bring the Scotch laws into England; that if he did they must repel force by force.

Q. Do you recollect what particular subject of the Scotch laws were spoken of at that time?

A. I believe they immediately referred to the persons who had been tried in Scotland, and I think he said in that infamous and ever-to-be-detested Court of Justiciary in Scotland.

Q. Do you recollect the remainder of that sentence?

A. No.

Q. Were there any resolutions about printing any number of the proceedings of that day?

A. It was ordered that a number, I cannot tell whether 100,000 or 200,000 should be printed.

Q. Which

Q. Which was the next meeting of the division that you was at after this?

A. On the Monday following I was at the meeting of another division; I was at the house of Mr. Morris, division 16, and 25, at a jack-maker's in Brick-lane.

Q. Did any thing particular pass there—Do you recollect any thing particular at that time?

A. Only that Dr. Hodson was proposed for relief.

Q. Did you go next day with Mr. Hillier to see Dr. Hodson?

A. Yes, I went to Newgate.

Q. Who was you introduced to there?

A. To Dr. Hodson, Mr. Hillier was there.

Q. Was there any body else there?

A. Mr. Lloyd, Mr. Rouffel, a Frenchman, and Captain Williams from America.

Q. Tell us what the nature of the conversation was there, in the presence of Mr. Hillier?

A. The principal conversation was with Dr. Hodson; he asked me if I had seen the new constitution; I told him that I was but a young member, and I did not know any thing of it; and he informed me there was a very clever one coming out, that the society was to be divided into smaller divisions, for the convenience of the society learning the use of arms at each other's houses.

Q. What more past at that time?

A. I have a memorandum.

Lord Chief Baron. Did you make a memorandum at the time?

A. Yes the purport of it was, they informed me, that the divisions should be formed into tythings to prevent spies from getting in among the society; he likewise stated that their number was increasing, I said there appeared no man of property among them, one of them said that when the society was in a state of organization, money should not be wanted, that was by Mr. Rouffel.

Q. Did any more pass at that time?

A. A toast was given by Lloyd, "the world a republic or desert;" Dr. Hodson said, he hoped soon to see a revolutionary tribunal established in the country, and that he despised all others.

Q. That was still in the presence of Mr. Hillier?

A. Yes, Mr. Rouffel talked of setting off for the Continent, he was going from there to Mr. Thelwall's and then to the continent; Mr. Hillier asked him if he was going to France, and he said, yes.

Q. When

Q. When you was invited to go and see Dr. Hodson and others, who did he invite you to go and see?

A. Persecuted patriots.

Q. Mr. Lloyd is in confinement labouring under a sentence from this Court?

A. I do not know; I heard he was a prisoner, but what he was there for I cannot tell.

Q. What was the next meeting of the division, if the division to which you belonged met the same evening?

A. The 11th.

Q. Who was present?

A. One Wright, a delegate, and Gordon, who was secretary, and about six and thirty others.

Q. This was at the Hoop, in Northampton-street?

A. Yes.

Q. Do you recollect any conversation of Mr. Wright, the delegate in the society, upon the subject of arms?

A. After the society had broke up, Mr. Wright asked if I had got any arms, I said no; he said he had got his musket, and it was necessary we should all have arms, as possibly we may soon be compelled to use them.

Q. And that was in the hearing of several other people?

A. Yes; the secretary said that he was sorry to leave the society just as they were going to act as well as think, and to regenerate their country; he said he was going to America, and he should take some of their spirited resolutions to the popular societies there.

Q. Did you hear any observations upon the subject of arming, from Mr. Hillier, or any body else?

A. Mr. Hillier said he had not got a musket, but he had got a pike.

Q. Do you remember being present at any time at Mr. Hillier's the same month, on the 25th of April?

A. I was at Mr. Hillier's—there was present a person whose name I was afterwards told was Hicksley.

Q. Where is Hillier's?

A. No. 80 or 81, Bishopsgate-street; there was Mr. Hicksley there, and one or two other persons, who appeared much in liquor, and a man of the name of Bennett, secretary of the 16th division.

Q. Do you know if a person was there who was a mercer by business?

A. Yes, there was; I understood Bennet was; he was secretary.

Q. What was the conversation which took place at that meeting between those persons?

A. The conversation began by Hickfley, who said he had a letter from Sheffield, that they had had a numerous meeting; and said the letter stated, that knives were making of a particular construction, that this letter contained a drawing of an instrument, with this observation, "These are the instruments we shall soon make use of." He stated, that they were to act against the cavalry.

Q. What were the knives stated to be for?

A. They were for cutting the reins; and it was further stated, the principal dependence of the society consisted in securing all the royal family, and the members of both houses of parliament.

Q. Pray, Sir, what date was this?

A. On the 25th of April last.—Hillier said, if they could resist the first shock, there would be no danger to be apprehended afterwards.

Q. If who could resist the first attack?

A. I considered it to be the members of the different societies, if they could resist the first attack there would be no fear from the army; for when the royal family were secured, the army would have no head to look up to, and would be glad to accept the additional pay that would be offered them.

Q. Who was that additional pay to be offered by?

A. I understood the societies.

Q. Do you remember any observation of Mr. Hillier's upon that, with respect to the additional pay being offered to the army?

A. There was something said, I believe it was 18d. that was mentioned; that men would not fight for 6d. a day, when they could have 18d. or something to that purpose.

Q. Whether any of the persons present at the time these observations were made, and these facts stated, made any objection to them?

A. None, except one person who was very much in liquor, and he took no part in it.

Q. Were the rest sober to whom the observations were addressed?

A. They were sober.

Q. Did they take a course tending to repress it?

A. No, on the contrary, Bennet, the secretary, went out with me, and his conversation was so violent when he got into the street, that I begged him to hold his tongue, for the people behind us were taking notice of us.

Q. Do you know a person of the name of Baxter?

A. Yes, I have seen him at divisions.

Q. At other times, since that, have you heard any observations from Hillier or Baxter, or either of them, upon the subject of arming?

A. Upon

A. Upon the 9th of May was the most material conversation I ever had with Baxter at Hillier's house.

Q. Who were present besides Baxter?

A. Mr. Bennet, Mr. Hillier, and a man whose name I was told was Hill, and some other persons whose names I do not know, were present during a part of this conversation. Mr. Baxter stated that Mr. Joyce, who was chaplain to Lord Stanhope, had reported there was nothing to fear from Stone; Stone had too much firmness to let them get any thing out of him by intimidation.

Q. Who did you understand by Stone?

A. Mr. Stone, in Newgate, I heard that he was in custody on a charge of treason; then there was some conversation about Mr. Hamilton Rowan; that Lord Stanhope's speech was then printing, with an addition that must be cautiously put in; that a committee of correspondence and co-operation, were preparing an address to the army, with some strong resolutions; he said, prudent and determined men were wanted to propagate the opinions contained in these resolutions.

Q. Where were they to propagate them?

A. He stated that one Moore had been particularly active and successful in getting over the army.

Q. Did he tell you what description of the army he had been most successful with?

A. He said they had most to fear from the young recruits; that they had succeeded best with the old soldiers at Westminster; that if one third of the army was got over the other two thirds would not act with spirit against them; he then asked me if I knew any person that would buy a pike.

Q. You have been saying all this of Baxter?

A. Yes.

Q. Do you recollect any thing of an interview of his with an officer?

A. Yes, he said he had seen an officer, who had lately been presented to her majesty, who had used a violent expression towards her majesty; said, "Why did not they blow up the whole family together," or words to that effect. He then asked if I knew any friends that would purchase a pike; I said I should have no objection to purchase one, but it was of no use, except I knew how to use it; he then said, if I went the next Thursday or Friday, and made use of his name, to the sign of the Parrot, in Green-Arbour-Court, Old Bailey, and asked for one Edwards, Edwards would be called out, and I was to tell him Mr. Baxter had sent me, and then I was to have a pike: and then I should be introduced to others, and might learn the use of it with them, that Mr. Edwards was very clever in the use of it, and would

assist us in learning the use of it. He stated, that pikes were much cheaper than muskets, that it would be impossible to procure muskets for so many, on account of the expence. There is another circumstance, he stated persons with muskets might do a great deal of mischief, if they did not know properly the use of them. I made an observation, that I thought we might come to a parliamentary reform without coming to blows; upon which he said, is there a man in the society who believes that a parliamentary reform is all we want; no, not one: he said, many men of property had hitherto kept back, on account of the irregular conduct of the French, but they were now willing to come forward, as they were convinced that a revolution might be effected in a few hours; he said, for his own part, he did not wish the king or any of his family to lose their lives, he thought they might go to Hanover; he said it must be expected that some blood must be shed, that some persons had offered such insults to the people, that human nature could not overlook it. The conversation afterwards turned relative to Mr. Thelwall's having been indicted, in which there was nothing very material.

Q. Was Mr. Hillier present during the whole of this conversation of Baxter's, which you have been stating?

A. Yes.

Q. Was it pronounced in a way that he might hear?

A. Yes, I thought as Baxter was a member of the committee of correspondence and co-operation, I might get most information from his conversation, and therefore I attended most to him.

Q. Did he state what number of pikes were ready, and at what place?

A. He said many thousands were making at Sheffield; he said that the heads only were to come from Sheffield, but that they were to be stocked in town.

Q. Did he give any caution with respect to mentioning it in the division meetings about pikes?

A. He gave a caution that nothing of it should be mentioned at any of the division meetings until the new constitution should be adopted.

Q. The new constitution of the society which Dr. Hodson had spoke of?

A. Yes.

Q. Did he give any reason for the necessity of that caution?

A. Because there were spies in the society.

Q. Was any thing said, in the course of this conversation, respecting the French emigrants?

A. It was stated still by Baxter, that it would be adviseable to let those who were prisoners out.

Q. What prisoners?

A. The French prisoners.

Q. The French prisoners of war.

A. Yes, and if the emigrants should resist, they should share the fate of the Swifs at Paris.

Q. Did he name any of those persons who had offered such insults to the people that human nature could not overlook; do you remember all he named?

A. He mentioned several, Mr. Pitt was one, Mr. Dundas was another, and Mr. Reeves another.

Q. In the course of that evening did you return to your home in company with Mr. Baxter?

A. I went part of the way home with Mr. Baxter.

Q. Did he, in the course of your going home, enlarge on any of the subjects that had been conversed about?

A. I found that the address that was to be advertised, was to excite jealousies among our troops; he stated the means Mr. Moore had employed with the army, and he told them, that by their oath they were to fight for their king and country, but, when their king and country were at variance, they had a right to fight on which side they pleased.

Q. Did he state to you any other arguments that Mr. Moore had employed?

A. That they should mix with them and treat them with beer, and enlarge upon the severity of their usage and the smallness of their pay, but we must sound their principles; if we found them aristocrats, then not to proceed.

Q. In the course of the evening when this conversation was had, was Mr. Hillier's pike produced?

A. I don't recollect that it was.

Q. Was it produced at any other time when these persons were present?

A. It was produced after that on the 16th of May.

Q. At some other meeting?

A. Yes, at another meeting.

Q. This was not at a division meeting, but a meeting of a few of you. Who were the persons present upon the 16th of May.

A. I believe I am wrong in point of date, it was on the 17th of May.

Mr. Garrow. Whether I should go into facts after the prisoner, Hardy, was taken up, we submit it entirely to your Lordship.

Lord Chief Baron Macdonald. When was he taken up?

A. The 12th of May.

Lord President. No I think it would not be proper.

Mr. Garrow. Then we don't wish to examine to it.

Q. Do

Q. Do you remember the circumstance of Mr. Hardy's being apprehended?

A. I heard of it.

Q. There was a conversation with respect to the House of Commons, was that after Mr. Hardy was apprehended?

A. Yes.

Q. Then I do not inquire into it.—Do you remember a paper being distributed speaking of the ins and the outs?

A. Yes, that was at the meeting at the Coach and Horses, Cross-street, Hatton-Garden.

Q. Was that before Mr. Hardy was apprehended?

A. It was after.

Q. Did you communicate all these circumstances to Mr. Wickham, and still go on with his approbation?

A. Yes.

Q. And you attended them for the express purpose of giving information?

A. I did.

Edward Gosling cross-examined by Mr. Erskine.

Q. What is your christian name?

A. Edward Gosling.

Q. Are your father and mother living?

A. Yes.

Q. What are you by employment?

A. I am at present employed by Mr. Wickham.

Q. Do you mean in this business?

A. Yes, in writing.

Q. What sort of writing?

A. Both in public business, and in private business. I was employed before that by Mr. Colquhoun, in writing.

Q. He is an attorney?

A. No, a magistrate in Worship-street.

Q. How long ago have you been employed by Mr. Colquhoun?

A. About a month past.

Q. When did you leave him?

A. In September or October last.

Q. What way of life was you in before that?

A. I kept a broker's shop.

Q. Was you a dealer in naval stores?

A. I never in my life, upon my oath, bought a store that was the property of his majesty, if that is the question meant to be asked, as I know I can safely take the oath I do.

Q. Then perhaps you never said to any body the direct contrary of what you now say to me?

A. I did, and I will give you my reason for saying so; I was asked

asked by Mr. Worship, when I went to buy some prints, what I was; I told him I was a dealer in naval stores; I made that excuse instead of giving him a direction.

Q. Did you not say you dealt in naval stores, and would think no more of cheating the king than of guillotining him?

A. Never.

Q. I am speaking to you, Mr. Golling, have you always gone by that name.

A. Yes, and I will explain why, as means were used yesterday to prevent my giving evidence; I call for the protection of the court.

Lord Chief Justice Eyre. As to any question which tends to criminate you, I will prevent it from being put; in the mean time the best thing you can do, is to keep your temper, and answer questions directly.

Mr. Erskine. Did you ever go by the name of Douglas?

A. I did.

Q. When did you first assume the name of Douglas?

A. I believe it is as much as ten years since.

Q. How long did you continue the name of Douglas?

A. I would wish to relate the circumstances under which I assumed that name.

Lord Chief Justice Eyre. You had better answer the questions.

A. I believe I carried on the business of a hair dresser in that name for I believe near seven years.

Q. Where did you reside at that time?

A. In Westminster.

Q. Where in Westminster?

A. No. 3, Petty France.

Q. When did you first come to No. 3, Petty France, as a hair dresser, by the name of Douglas?

A. About ten years since, I don't know that I can state exactly the time; I believe it must be about the year 1784.

Q. Mr. Golling, I don't want to be in any of your secrets, if there is any reason why you should wish not to answer it; but have you any objection of telling why you changed your name?

A. My father had a business in the city, his business was chiefly in the wig and shaving way; for improvement I wished to come to the west end of the town: I went and worked with a man of the name of Penman; it was from a false pride that it might not be known that I was a journeyman, when my father kept four or five; I was asked what my name was, and I chose Douglas, it struck me from the play-bill.

Q. I have no objection to a decent pride; so that from seeing
a play-

a play-bill, it struck you in a moment; how long did you play this part of Douglas?

A. I continued seven years.

Q. Do you know a gentleman of the name of Lincoln?

A. I do.

Q. Who is Mr. Lincoln?

A. He collects rents for Mr. Macnamara.

Q. Did you at any time borrow any money of him?

A. I will explain the circumstance.

Q. How long ago is it you borrowed any money, and what sum?

A. Upon my oath I cannot state the sum, nor the time; it was either 10l. or 10 guineas, it may be so much as four or five years back.

Q. Did you give a note for it?

A. I gave my note for the money, part of which I paid, part my wife paid.

Q. And the rest has been paid since?

A. No.

Q. Did not Mr. Lincoln come into the London Coffee-house, by mere accident, where the witnesses for the crown are, I believe, provided with what is fit for them to have, and see you there, and say, How do you do Mr. Douglas?

A. Permit me to explain that, Mr. Macnamara first came, whom I never had seen, and asked me several questions; I told him the staircase was not a proper place for such a subject.

Q. I am not asking about Mr. Macnamara, I am asking about Mr. Lincoln, did not Mr. Lincoln come into the London Coffee house?

A. It was from Mr. Macnamara's conduct to me, that I was confused: I did not know what I said.

Mr. Garrow. I wish Mr. Macnamara would come upon the bench, and not repeat the witness's words, but be quiet while the witness is cross-examining; I take it for granted the honourable gentleman would not do any thing that is not perfectly correct, but probably some impression may have been made; I have seen that gentleman highly agitated; that sort of thing, I apprehend, is not perfectly in order.

Mr. Erskine. Mr. Macnamara had been there before, and behaved in such a manner, that you was so flurried, that you did not know what you said to Mr. Lincoln when he came in?

A. I certainly was, I did not recollect Mr. Lincoln's person.

Q. But you recollect what you said to me, not two minutes ago

ago, that Macnamara had been there just before, and had behaved in such a manner, that you was so flurried you did not know what you said; is that so?

A. Yes, he came and asked me several questions upon the stair-case, which I refused to answer; says he, I came out of humanity to you: you know there is a note, part of which is not paid, and he said when I appeared in Court the note would be produced in Court, unless it is paid; I told him I had not the money, I offered to pay him the money the next day; I offered the money afterwards.

Q. Do you know where Mr. Lincoln lived in the interval, between the time you borrowed the money; had you seen him in the interim?

A. I know where he lived, I paid a part of the money, and my wife paid another part of it.

Q. Will you give me leave to ask an explanation of something that I did not understand. Let me ask you, how you came to say to Mr. Worship, that you dealt in naval stores?

A. Because I thought it would prevent enquiry, and I did not choose to give him my direction.

Q. Who is Mr. Worship?

A. A secretary to one of the divisions of the London Corresponding Society.

Q. Did you never make use of the expression, that I made use of before, that you would no more mind cheating the king, with the expression I before made use of?

A. Never.

Q. Now I ask you, whether many of these expressions you have been using to-night, you did not make use of yourself in order to excite them to do these things, and was reprimanded by them?

A. No, never, on no one occasion: the only thing I did belonging to the society, was on the Tuesday after the apprehension of Mr. Hardy, I mentioned what had passed at a division in Compton-street, relative to a committee of emergency, and to know if it was their intention to do the same.

Q. I ask you, upon your oath, whether you were not in the constant course of using inflammatory expressions, going about from one society to another, to excite these people to say what you wanted them to say?

A. In some respects I have appeared to approve of their proceedings, with a view of entering into their designs. With regard to Mr. Baxter, I did not wish to lead him on, nor did I find fault with it, from this circumstance, that as I had reason to believe arms were secreted, I wished to know where they were secreted, that they might be discovered before the mischief ensued.

Q. I did not ask if it was most natural for you to go there for purposes the most beneficial to the public good, but I ask you, if you did not go about, from place to place, using the most inflammatory expressions?

A. Never, I swear that most positively.

Q. Do I understand you to swear positively you never made use of any inflammatory expressions; I will put you in mind of some of them, as, Why did not the society learn the use of arms? it will be of great use, there is nothing to be done without arms?

A. I never made use of such an expression in my life.

Q. Nor nothing of that nature?

A. I am sure I never did.

Q. Do you mean to swear that positively?

A. I do swear it, I never used any means to excite men to do this, or any mischief whatever.

Q. Now, sir, go to your notes, and tell me at what place, and on what days, you attended on the prosecution of that which is extremely laudable if it is honest?

A. The times and the places——

Q. But before you come to that, do you know a Mrs. Coleman?

A. No, I do not know a Mrs. Coleman now.

Q. Did you ever know a Mrs. Coleman?

A. Yes.

Q. Had you any dealings of any kind with her?

A. She rented a shop of me.

Q. Had you no other dealings with her; I am not putting a question of an immoral nature to you?

A. Yes, she died at my house, and I buried her.

Q. Did she leave any will?

A. Yes.

Q. Who did she leave her property to?

A. Partly to one Burrows, and partly to one James Leach.

Q. Who made the will?

A. I wrote it.

Q. Do you know Mrs. Biffin?

A. No, I do not.

Q. You got into some trouble about it?

A. No.

Q. Was there no complaint made against you?

A. There was no just cause of complaint against me.

Q. I am not asking that; was there any complaint made against you upon the subject by any body?

A. I cannot say I recollect the particular circumstances that might pass; there was a brother came up out of the country, a brother of a former husband.

Q. I am

Q. I am not asking you to confess any thing criminal, I am only asking you if any body was wicked enough to complain of your conduct in that case?

A. I don't know that there was any complaint.

Q. Upon your oath, was there no complaint made against you on the subject of this will?

A. I don't know what complaint might have been made.

Q. Upon your oath, was there not a complaint made against you, to your own knowledge, for fabricating this will?

A. Never, that I know of.

Q. Will you swear that?

A. I will swear I never heard any such thing.

Q. Pray who is this Mr. Leach?

A. A man who formerly was my apprentice, and kept a shop nearly opposite me; he set up in opposition to me in the same business of a hair-dresser.

Q. And the woman who died in your house, left her property to this man who set up against you?

A. I told you she left her property to one Burrows, and one James Leach.

Q. Who was this same James Leach to whom this woman left this money, was this the same James Leach that set up against you?

A. No, my wife's son.

Q. And who was this Mrs. Biffin?

A. A cousin of Mrs. Coleman's.

Q. What connection had you with the woman?

A. I had no connection no farther than lending her every service in my power, during a long illness, at which I was at a considerable expence.

Q. How long did she live at your house?

A. I cannot say.

Q. A year?

A. I don't know.

Q. Six months?

A. I cannot recollect the time.

Q. Was it two months?

A. Longer than that.

Q. Three months?

A. Longer than that.

Q. Four months?

A. I cannot exactly state the time.

Q. Was the will made by an attorney?

A. No.

Q. Do you mean to swear that no complaint was made against you, as having fabricated and forged that will?

A. I never heard it, to the best of my knowledge or recollection.

Q. Will you swear positively you never have; can a man be charged with a capital felony, and forget it?

A. I never heard such a charge brought against me.

Q. Will you swear positively that no such charge was brought against you?

A. To the best of my knowledge it never was.

Q. I am asking if there was not a complaint made to yourself, you being charged in your own presence, whether you had ever done it?

A. Never, to my knowledge.

Q. Will you go to the length of swearing nobody ever did.—Don't you understand my question, whether you recollect any body ever made a charge of it to you in your own presence?

A. I never recollect any such thing.

Q. Do you know a Mr. Cox?

A. Yes, I know a Mr. Cox, a cheefemonger.

Q. How long have you known him?

A. I cannot exactly say how long; I have dealt with him in cheefemongery, and butter, and things of that kind, and hams.

Q. For the use of your family?

A. No, for sale.

Q. I thought you was a hair-dresser?

A. No; for my customers. My wife kept a shop of that sort, and I dressed hair.

Q. Have you had any other dealings with Mr. Cox, but in the fair and ordinary course of business?

A. I don't recollect any thing else; if you can make any particular question, if it comes within my knowledge, I will tell you. I bought a great many hams of him, and there were a great many holes filled up with mortar and stones: I don't think he used me very well.

Q. Mr. Macnamara came to intimidate you from appearing as a witness here?

Lord Chief Justice Eyre. If Mr. Macnamara has been so imprudent to go into a coffee-house and talk to the witnesses in that way, I hope it is what neither he or any other gentleman will do again.

Mr. Erskine. Am I to understand you to say that you deal in naval stores; I do not mean dishonestly or improperly?

A. What sort of stores? I have purchased old stores, cording, and such things as that; I have purchased old ropes, which is usually called hand stopping, to make paper.

Q. What they call paper stuff?

A. Yes.

Q. Now

Q. Now I will put a question to you ; Did you never say this, that you was a dealer in raw materials, and then the person who spoke to you asked you to explain it, and you said that you attended sales, that you was well-acquainted with the store-keeper, and that you generally bought them at a fifth of their value, by seeing the keepers to condemn them ?

A. I wished to get information respecting that that I went about, to inform Mr. Colquhoun the magistrate. Hillier was likewise inquisitive to know what I was, and as I told Hillier one thing, I told Mr. Worship the same; Hillier said that he had a relation a Quarter Master there.

Q. But did you tell Mr. Worship that you see'd the keepers to condemn them ?

A. I never told Mr. Worship that.

Q. Did you not say you had followed that practice for years, and thought it no crime to cheat the King ?

A. Never.

Q. Was it in the service of Mr. Colquhoun that you bought that paper stuff and things ?

A. Upon my oath, I never, to my knowledge, had any charge of dishonesty for it.

Q. Perhaps you was both a dealer in stores yourself honestly, and was an informer respecting stores ?

A. I obtained every information I could, and gave it gratis, to prevent children and other persons from purloining the stores; it was merely to prevent robbery.

Q. What was the reason you told Hillier that you had been in the constant course of cheating government in that fashion ?

A. He mentioned to me his having a relation a Quarter Master, to whom he meant to send some of these resolutions.

Q. Is that an answer to my question ; I ask you, why you told Hillier that you had been in the course of doing what I have been now stating ?

A. I never told him any such thing ; I told him that I was a dealer in naval stores, and nothing further.

Q. Did not you tell him that there were great quantities of copper conveyed out of the docks, and the manner in which it was conveyed out ; did not you tell him that there was a great quantity of copper conveyed out of the dock in butter firkins ?

A. No, I have given information to Mr. Colquhoun, that copper was sent away, but not from the King's stores.

Q. I ask you, whether you did not tell him you had been employed yourself in conveying this copper away ?

A. I never told him I was employed, I told him that I heard such a thing.

Q. Did you ever tell him you was acquainted with a woman, who lived somewhere about Tooley-street, and that twelve hundred weight were found upon her premises ?

A. I did ;

A. I did ; I told him that I had such a thing, but I never saw the woman in my life.

Q. Now I have nothing more to ask you except the dates, which you will please to give me with great correctness—when was the first time you attended any of these societies?

A. I was at the meeting at Chalk Farm, but I was not a member till the 8th of April.

Q. In what part of the meeting was you at Chalk Farm? was you in the room?

A. No, I was out in the ground, in the crowd.

Q. What was the first time that you was at any division of the society—on what day?

A. On the 15th of April.

Q. At what place?

A. The Hoop, in Northampton-street.

Q. When was the next time?

A. The Monday following: I have not the dates of every paper.

Q. But such as you have, let us have them?

A. On the Monday following, the 15th, I was at Morris's in Brick lane.

Q. What number of persons were there at that time?

A. Five or six and twenty.

Q. Who were they, did you know their persons?

A. I knew some of them, Bennet and Hillier.

Q. Who else?

A. There was one person's name I believe Captain Williams, an American gentleman, and about four or five and twenty persons.

Q. What was the next place?

A. The Tuesday following I was at the Hoop, I believe.

Q. Were Hillier and Bennet there?

A. Yes.

Q. What is the next date?

A. The 22d of April.

Q. Were Hillier and Bennet there?

A. Hillier was.

Q. How many persons might be present at that time?

A. Seven or eight and twenty.

Q. What was said at that night, that you was at Morris's?

A. At that night at Morris's, I did not hear any thing about arming.

Q. Which was the night that you heard about arming?

A. The 22d April, the delegate Wright made these observations to me.

Q. What was the next night upon which you heard any of those abominable expressions that you read to us to-night?

A. On

A. On the 29th of April, there was a conversation about arming.

Q. Now, Sir, at what night, and at what place, was that horrible expression made use of respecting the King?

A. That was not at a division, that was at Hillier's house, upon the 25th of April.

Q. Who were present?

A. A man of the name of Wickfey, Hillier, Bennet, and myself, and another man, whose name I don't know, and a man who appeared to be in liquor.

Q. Now, Mr. Gosling, I ask you upon your oath, whether you are prepared to swear positively, that you heard those expressions which you have sworn to?

A. I have already sworn them, and they are true.

Q. And you stick to that?

A. I do.

Q. Where was you upon the 29th?

A. At the Hoop.

Q. Who were present at the Hoop?

A. There were two divisions met there that night, No. 11, and No. 6.

Q. What number were there of each?

A. I suppose there were 40 or 50 persons together. There was a print produced by Worship the engraver, recommended to the use of the society.

Q. Were there any conversations about arming that night, or about overturning the government?

A. There was no talk of overturning the government, but it was recommended to them to learn the use of arms.

Q. But for what purpose?

A. There was no particular purpose stated, that I recollect.

Q. Then at what times did you hear the expressions you have related?

A. I have heard particular persons speak, members of the society.

Q. What members?

A. One Birks, who talked of the same at Chalk Farm; I have heard him frequently talk of arming.

Q. What did he say?

A. I cannot swear to any particular conversation: I have likewise heard Kelly talk of arming after the apprehension of Hardy.

Q. I am not talking of arming merely, but arming for these wicked purposes?

A. I don't recollect.

Mr. Garrow. You say Worship produced an engraving at one of the meetings; will you be so good as to cast your eye on that, and see if that is the engraving that was brought?

A. It

A. It is one of them, it is a figure of the manual exercise, and platoon firing; he mentioned that they were *Sans Cullottes*; and they were to have red caps on their heads.

Q. How long is it ago since you gave to Mr. Lincoln, Mr. Macnamara's agent, that note?

A. Four or five years.

Q. Was it given to Mr. Macnamara, or Mr. Lincoln?

A. Mr. Lincoln.

Q. How much to this moment is due upon it?

A. About three guineas.

Q. Have you ever had, for all these years, any application from Mr. Macnamara, till after you was attending this Court, by virtue of his Majesty's writ of subpoena, and attended the as witness for the crown?

A. I never saw Mr. Macnamara in my life till yesterday, to my knowledge.

Q. Have you had any application upon his part to pay this money?

A. I had heard, three or four years ago, that Mr. Lincoln had called upon me.

Q. Did Mr. Macnamara come to you alone?

A. Yes; I was sitting alone, and I went down to him.

Q. He said he came to you out of humanity?

A. I will state what he said—He said that he was a man of property, of a large estate in the country, that he was a friend to the King and Constitution, that he would see strict justice done, and he came out of humanity to let me know that this note would be produced against me in Court.

Q. Did he desire you to pay the money?

A. He asked me if I remembered the circumstance; I told him that was an improper place to talk of it, and if it was so, I must meet it in Court.

Q. You have been asked a great number of questions about Mrs. Coleman's will; was there any complaint instituted in a court of law respecting it?

A. No.

Q. Was there any complaint ever made against you respecting it?

A. No: the brother came to town, and never found any fault with it.

Q. Was it, upon your oath, as far as you had any thing to do with it, a fair and honest transaction; yea or no?

A. It was.

[Adjourned to Friday Morning, Nine o'Clock.]



APPENDIX
OF
PAPERS AND DOCUMENTS,

REFERRED TO IN VOL. I.

No. I.

*The London Corresponding Society's Addresses and Resolutions:
(Reprinted, and distributed gratis.)*

ASSURED that man, individual man, may justly claim liberty as his birthright, we naturally conclude that, as a member of society, it becomes his indispensable duty to preserve inviolate that liberty for the benefit of his fellow-citizens, and of his and their posterity.

For as, in associating, he gave up certain of his rights, in order to secure the possession of the remainder, and voluntarily yielded up only as much as was necessary for the general good, so he may not barter away the liberties of his posterity, nor desert the common cause, by tamely and supinely suffering to be purloined from the people, of whom he makes a part, their natural and unalienable RIGHTS OF RESISTANCE TO OPPRESSION, and OF SHARING IN THE GOVERNMENT OF THEIR COUNTRY; without the full and uninterrupted exercise of which RIGHTS, no man can, with truth, call himself or his country free.

Yet, of late, the very men who have dared to oppress the nation, have also dared to advance, *that all resistance to their oppression is illegal*; while, on the other hand, FRAUD OR FORCE, sanctioned by custom and blind submission, has withdrawn, and now withholds, from a very great majority of the tax-paying, industrious, and useful inhabitants of Great Britain, the RIGHT of sharing in the Government of *their own* Commonwealth, and in the management of *their own* interests.

The few who are now permitted to elect representatives, and those who are chosen by this *small number of electors*, disgrace the country at large, by *buying and selling* votes, by *corrupting* and being *corrupted*---the former by their behaviour at elections, and the latter by their conduct in the Senate---more than sufficient to prove, that THE NATION IS UNREPRESENTED, and

that THE PRESENT SYSTEM IS TOTALLY UNCONSTITUTIONAL, if, by the word Constitution, any thing is meant.

Roused, at last, from their torpor, and eager to remedy the evil, various, numerous, and respectable societies have been formed by the people, in different parts of the kingdom; several have also arisen in the metropolis, and among them *The London Corresponding Society*, with modesty, but with firmness, claim the attention of their country to the following Resolutions:---

Resolved,

I. That every individual has a right to share in the government of that society of which he is a member, unless incapacitated.

II. That nothing but non-age, privation of reason, or an offence against the general laws of society, can incapacitate him.

III. That it is no less a RIGHT than the DUTY of every citizen, to keep a watchful eye on the government of his country, that the laws, by being multiplied, do not degenerate into oppression; and that those who are entrusted with the government, do not substitute *private interest* for *public advantage*.

IV. That the people of Great Britain are not *effectually* represented in Parliament.

V. That in consequence of a *partial, unequal*, and therefore *inadequate representation*, together with the *corrupt* method in which representatives are elected, *oppressive taxes, unjust laws, restrictions of liberty*, and *wasting of the public money*, have ensued.

VI. That the only remedy to those evils, is a fair, equal, and impartial representation of the people in Parliament.

VII. That a fair, equal, and impartial representation can never take place until *all partial privileges* are abolished.

VIII. That this Society do express their abhorrence of tumult and violence---aiming at reform, not anarchy---reason, firmness, and unanimity, are the only arms they themselves will employ, or persuade their fellow-citizens to exert, against ABUSE OF POWER.

Signed, by order of the Committee,

T. HARDY, Secretary.

April 2d, 1792.

The London Corresponding Society to the Nation at large.

Whereas it is notorious that very numerous, burthensome, and unnecessary taxes, are laid on the persons and families of us and others, the industrious inhabitants of Great Britain, an exceedingly great majority of whom are, notwithstanding, excluded from all representation in Parliament:

And

And as, upon enquiry into the cause of this grievance, which is at once an obstruction to our industry, and diminution of our property, we find that the constitution of our country, (which was purchased for us at the expence of the lives of our ancestors,) has, by the violence and intrigue of criminal and designing men, been injured and undermined in its most essential and important parts; but particularly in the House of Commons, where the whole of the supposed representation of the people is neither more nor less than an usurped power, arising either from abuses in the mode of election and duration of Parliaments, or from a corrupt property in certain decayed Corporations, by means of which the liberties of this nation are basely bartered away for the private profit of members of Parliament.

And as it further appears to us, that until this source of corruption shall be cleansed by the information, perseverance, firmness, and union of the people at large, we are robbed of the inheritance so acquired for us by our forefathers; and that our taxes, instead of being lessened, will go on increasing, inasmuch as they will furnish more bribes, places, and pensions, to our minister and members of Parliament.

It being resolved by us, the members of this society, to unite ourselves into one firm and permanent body, for the purpose of informing ourselves and others of the exact state of the present parliamentary representation---for obtaining a peaceful, but adequate remedy, to this intolerable grievance---and for corresponding and co-operating with other societies united for the same objects; the following regulations, for the internal order and government of our Society, have been unanimously adopted:---

First. That every person, before he is admitted, shall be proposed by two members, and shall answer in the affirmative to the three following questions, viz.

Question I. *Are you convinced that the parliamentary representation of this country is at present inadequate and imperfect?*

Q. II. *Are you thoroughly persuaded that the welfare of these kingdoms requires that every person of adult years, in possession of his reason, and not incapacitated by crimes, should have a vote for a member of Parliament?*

Q. III. *Will you endeavour, by all justifiable means, to promote such reformation in Parliament?*

Secondly. That the whole body shall go under one common name, of *The London Corresponding Society, united for the reform of parliamentary representation.*

Thirdly. That for the more easy and orderly proceeding of the Society, it be separated into as many divisions as there shall be thirty members to make up the number requisite for such

division; and that no division shall divide again, till it amounts to double such number of members; at which time notice shall be given to the Committee of Delegates hereafter mentioned, by the then delegate of such division.

Fourthly. That each division shall meet weekly, on any evening, (Thursday excepted,) at some house to be chosen by themselves, and appoint a chairman for the good order thereof; and also shall name a delegate as hereafter mentioned.

Fifthly. That each member shall pay to the secretary of his division one penny per week, or one shilling and a penny per quarter, which shall be credited to the account of such member in a book to be kept for that purpose. That all money so paid shall be transmitted monthly, by the delegate of such division, to the treasurer, who is to account with the body of delegates for the same, on the four usual quarter days.

Sixthly. That the sums so paid to the said treasurer shall form one common stock, to be applied by the said delegates in the postage of letters, in stationery, and in printing such matters as may be good for the information of the Society: but that before any expence whatever shall be incurred, the said delegates shall enquire of the treasurer what balance he has in hand.

Seventhly. That the delegates so appointed shall meet on Thursday in every week, and shall continue in office for three months; subject, however, to be recalled or superseded by their several divisions before the expiration of that time, if thought necessary. That being assembled, they shall name a chairman and secretary, who shall both sign all the public acts of the Society.

Eighthly. That such delegates so assembled shall, in the first place, communicate the wishes of their several divisions relative to any objects of the Society. That they shall be authorized to answer any correspondence, which may require immediate attention; and afterwards, that each delegate shall report the same to his respective division. Also, that they shall consider of the general state of the Society; but shall, on no account, publish any new principle, or set of principles, until the same shall be approved by a majority of the individual members of the Society at large.

Ninthly. That it shall be necessary for two-thirds of the said delegates to form a Committee for the dispatch of business. And,

Tenthly. That these resolutions and regulations be printed for the members of the society, and that a copy be given to each member on his admission.

MAURICE MARGAROT, Chairman.

THOMAS HARDY, Secretary.

Forasmuch

Forasmuch as it is possible that the grounds of our complaint may be denied, and that our views and principles may be misrepresented, we desire that every one will seriously consider and treasure in his memory the state of scandalous facts which follow. Let him then ask himself, whether it be the part of a good citizen to sit quiet under such abuses, which have not only increased, but are at this moment increasing; and which ought, therefore, to be remedied without delay.

Till the reign of Henry VI. it was not necessary for the inhabitant of a county to have a freehold estate of 40s. a year, in order to vote for the representative of his county. But the statute of that King, passed in the year 1429, under pretence of preventing disputes at elections, most unjustly deprived a great part of the Commons of this nation of the right of consenting to those taxes, which, notwithstanding, they were compelled to pay, just as if such right had not been taken from them.

Till the reign of Queen Anne, it was not necessary for the inhabitant of a county to have 600l. a year, freehold or copyhold estate, in order to his being elected the representative of his county. But the statute of that Queen, passed in the year 1710, under pretence of the freedom of Parliament, excluded all persons not possessed of such a property from our representation, whatever be their principles, their abilities, or their integrity.

Till the reign of William III. Parliaments were of RIGHT to be called *once a year*, or oftener if need be. But the statute of that King, passed in the year 1694, under pretence of calling them more frequently, enacted, "that they should be holden once in *three years* at the least."

Till the reign of George I. Parliaments were therefore of three years duration. But the statute of that King, passed in the year 1713, under pretence of "a restless faction" then existing in the nation, usurped a power of enacting, "that Parliament should respectively have continuance for seven years."

As for the supposed representation of the people, which is called "the Commons of England in Parliament assembled;" the county of Cornwall contains in itself alone the privilege of sending *forty-four* members to Parliament, which is just one less in number than those of the whole kingdom of Scotland, containing upwards of three millions of people.

Of these *forty-four* supposed representatives, two are elected by the freeholders of the county: the rest sit for twenty-one corporation towns; of which,—

Electors.

Launceston has only 10 & is the property of Lord Elliot

Liskeard

9

Ditto

Lestwithiel

7

D. of Northumberland

Truro

Truro has only	13	is the property of	Lord Falmouth
Bodmin	18		Sir Francis Basset
Hellston	3		D. of Leeds, &c.
Saltash	16		Sir Francis Basset
East Loe	20	{	Judge Buller.
West Loe	20		
Grampound	30		Lord Somers, &c.
Camelford	6		Lord Camelford
Penryn	50		Sir Francis Basset
Tregony	50		Lord Hertford
Bosliney	20		Lord Buté
St. Ives	60		Mr. Praed
Fowey	26		Prince of Wales, &c.
St. Germain's	6		Lord Elliot
St. Michael	14		D. of Northumberland
Newport	30		Lord Lovaine
St. Mawes	15		M. of Buckingham
Callington	30		Lord Falmouth.

Electors 453---Members 42

To these we might add, of the same description, twenty-eight Corporations, consisting of 354 electors, which send 56 members to that House of Commons, which is so frequently and so falsely called the Democracy of the Nation; while the towns of Sheffield, Manchester, Birmingham, Leeds, Wolverhampton, &c. containing above three hundred thousand people, have no electors or representatives whatever.

Upon the whole it appears, that 257 supposed representatives of the people, making a majority of the House of Commons, are returned by a number of voters not exceeding the thousandth part of the nation.

But as Providence has kindly furnished men, in every station, with faculties necessary for judging of what concerns themselves, shall we, the multitude, suffer a few, with no better right than ourselves, to usurp the power of governing us without controul? Surely not. Let us rather unite in one common cause, to cast away our bondage, being assured that, in so doing, we are protected by a Jury of our countrymen, while we are discharging a duty to ourselves, to our country, and to mankind.

Ordered, that the Secretary of this Society do transmit copies of the above to all the societies in the nation, engaged in the same cause.

London, May 24, 1792.

Address

Address from the London Corresponding Society to the Inhabitants of Great Britain, on the Subject of a Parliamentary Reform.

" Unblest by virtue, Government a league
 " Becomes, a circling junto of the great,
 " To rob by law; Religion mild, a yoke
 " To tame the stooping soul, a trick of state,
 " To mask their rapine, and to share the prey.
 " What are without it Senates, but a face
 " Of consultation deep and reason free,
 " While the determin'd voice and heart are sold?
 " What boasted Freedom, but a sounding name?
 " And what Election, but a market vile,
 " Of slaves self-barter'd?"

THOMSON'S LIBERTY.

FELLOW-CITIZENS,

Of every rank and of every situation in life, rich, poor, high, or low, we address you all as our brethren, on a subject of the highest importance, and most intimately connected with the welfare of every individual who deems liberty a blessing, who partakes in the prosperity of his country, and who wishes to transmit as much of either as he possibly can to posterity.

Uninfluenced by party pique or selfish motives---no ways affrighted at the frowns of power---not in the least awed by the evidently hostile preparations of a much-alarm'd Aristocracy, We, the London Corresponding Society, united with a view of obtaining a THOROUGH PARLIAMENTARY REFORM, anxiously demand your serious and most collected attention to the present VITIATED state of the British Government; we entreat you to examine coolly and impartially the numerous abuses that prevail therein, their destructive consequences on the poor, and their evil tendency on all, as also the rapidity with which these abuses increase, both in number and magnitude.

We next submit to your examination an effectual mode of putting a stop to them, and of thereby restoring to our no less boasted than impaired constitution, its pristine vigour and purity; and we thereunto warmly solicit the junction of your efforts with ours.

This great end, however, we believe attainable, solely, by the whole nation, deeply impressed with a sense of its wrongs, uniting, and as it were, with one voice, demanding, of those to whom for a while it has entrusted its sovereignty, a restoration of ANNUALLY ELECTED PARLIAMENTS, UNBIASSED AND UNBOUGHT ELECTIONS, AND AN EQUAL REPRESENTATION OF THE WHOLE BODY OF THE PEOPLE.

Leaving

Leaving to the enemies of freedom all violent, tumultuous, and unconstitutional proceedings, we invite you to peaceful, well regulated, and neighbourly meetings, wherein industrious, worthy citizens may, as honest men, as good patriots, in a reasonable and sensible manner, laying aside prejudice, seriously and earnestly take into consideration their rights, and the welfare of the present and succeeding generation.

As men can never barter away the rights of their posterity---as encroachments on liberty or property cease not to be grievances from their being customary and of long standing, and as a grievance is not the less felt for being denied by those who cause it---feeling grievances enormous---seeing our liberties encroached upon, and endeavoured to be entirely purloined from us---as also that our complaints are derided by government, and ourselves unlawfully menaced by those in power, We call upon you all, Britons, to remember your privileges as such, and to assert your rights as men---to pay all proper regard to your native freedom, and to consider that, being the property of no one man, nor of any set of men, it is highly disgraceful for you to suffer yourselves any longer to be thus enslaved and disposed of as cattle in a fair, as irrational beasts in a market, to the highest bidder.

Laying aside all pretensions to originality, we claim no other merit than that of re-considering and verifying what has already been urged in our common cause by the Duke of Richmond, Mr. Pitt, and their then honest party, years back: now differing from them, we support with candour and zeal (thereby proving ourselves no courtiers) the banner of truth already displayed against the oppressors of mankind; and we take a pride in acknowledging ourselves a part of that useful class of citizens which placemen (pensioned with the extorted produce of our daily labour) and proud nobility, wallowing in riches, (acquired somehow,) affect to treat with a contempt too degrading for human nature to bear, unless reconciled to it by the reflection, that though their inferiors in rank and fortune, we equal them in talents, and excel them in honesty.

Still, friends and fellow-citizens, possessed of souls far superior to the evil spirit influencing these oppressors, these debasers of mankind, instead of hating, we condemn them, and our motive is not vengeance, but redress.

A constitution we are said to possess---we are willing to believe it: if good, it allows redress to a complaining people; if excellent, as many assert, it must naturally point out the means thereof. Let it therefore be publicly and carefully examined: if it is really what it ought to be, it cannot be too well known; if faulty, it cannot be too soon amended; nor can that be done by

by a more competent judge than the thus collected sense of the whole nation.

It is the right of every individual to be well acquainted with the laws that bind him; but how is the peasant, the mechanic, the manufacturer, to obtain that necessary knowledge—his time fully employed in labouring hard to provide a scanty meal for his family, and in earning wherewith to satisfy the frequent and peremptory demands of surly tax-gatherers? He has no leisure for such intricate political researches; and even was he, by stealing that leisure from his labour or his sleep, to acquire the desired insight, still with spirits depressed by his sufferings, with fears encreased by the clamorous threats of the pensioned all-devouring locusts in office, the fore oppressed subject feels the remedy to be far out of his reach, and dreads the consequence of being even supposed to know how greatly he is wronged.—Such being the forlorn situation of three-fourths of the nation, how are Britons to obtain information and redress? Will the Court, will Ministry afford either? Will Parliament grant them? Will the Nobles or the Clergy ease the people's sufferings? No. Experience tells us, and proclamations confirm it, that the interest and the intention of power are combined to keep the nation in torpid ignorance!

The only resource then, friends and fellow-citizens, will be found in those societies which, instituted with a view to the public good, promote a general instruction of our rights as men, expose the abuses of those in power, and point out the only constitutional, the only effectual means, of forwarding a public investigation, and obtaining a complete redress for a people, in whose credulous good nature originate their present difficulties.

We will not hurt your feelings by a minute detail of our common grievances: you cannot be ignorant, friends and fellow-sufferers, how generally power, place, pension, and title, are the rewards of men whose services to the Court have been of the greatest prejudice to the country. You painfully feel the consequences—encreased taxes, a great part of which are most vilely squandered; a heavy national debt, begun with a design of forming a powerful and monied Court Party, continued with nearly the same view unto its present enormous bulk, and from its commencement militating against our liberties. Too visible are the numerous encroachments on our rights, too common the insolence of office, the venality of magistracy, the perversion of the laws, the letting loose the military on every occasion, and those occasions eagerly sought. The subject's complaints derided—the one part of the nation turned into spies and informers against the other—the—but wherefore more? Is here not

enough to prove, beyond a doubt, that while we boast the best constitution, the mildest laws, the freest government, we are in fact slaves?

Yet, fellow-citizens, numerous as are our grievances, and close rivetted as weighty the shackles on our freedom, reform one abuse, and the others will all disappear: if we once regain an annually elected Parliament, and that Parliament to be fairly chosen by all, the people will again share in the government of their country, and their then unbought, unbiaſſed ſuffrages, muſt undoubtedly ſelect a majority of honeſt members, while the very few ſound ones that may accidentally obtain ſeats, will, from the conſideration of their annual dependence on the people, think it highly adviſeable to continue the diſguiſe that procured them their election, and at laſt wear the mask of honeſty---a mask neither at all times neceſſary, nor at all times worn in a ſeptennial Parliament.

Let no man imagine himſelf unconcerned in the propoſed reform---let no one think ſo meanly of his ſituation or abilities, as to ſuppoſe his coming forward will be of no ſervice to the cauſe of Liberty! Numbers, union, and perſeverance, muſt in the end be crowned with ſucceſs, while compared with the ſmall efforts of each individual, aſſociating and thereby countenancing the demand of the nation to be reſtored to its conſtitutional rights, how great will appear the advantages reſulting therefrom!

An honeſt Parliament!

An annual Parliament!

A Parliament wherein each individual will have his repreſentative!

Soon then ſhould we ſee our Liberties reſtored, the Preſs free, the Laws ſimplified, Judges unbiaſſed, Juries independent, needleſs places and penſions retrenched, immoderate ſalaries reduced, the public better ſerved, taxes diminiſhed, and the neceſſaries of life more within the reach of the poor; youth better educated, priſons leſs crowded, old age better provided for, and ſumptuous feaſts, at the expence of the ſtarving poor, leſs frequent.

Look not upon this, dear countrymen, as an enthuſiaſtic viſion, but rather let us together take a calm and reaſonable review of ſuch an honeſt Parliament aſſembled---let us in idea curtail their ſeſſion unto even the ſhort duration of three months in one year, or ſixty-four meetings for doing the annual buſineſs of the nation---ſtill five hundred honeſt men, meeting ſixty-four times, with both intention and capacity to ſerve their country, muſt do ſomething, muſt employ their time ſomehow. * Conteſted elections none, or very few, and ſoon determined

determined---party debates none; the interest of the people being one---long speeches much diminished---honest men seeking reason, not oratory---no placemen in the Senate, corrupt influence dies away, and with it all tedious, obstinate, ministerial opposition, to measures calculated for the public good. Detesting chicanery, oppression, and injustice of every kind, this honest Parliament, finding that the laws wanted simplification and arrangement, would set about it; however destructive their labours might prove to the sordid interest of an ambitious Judge, a prostituted Council, a packed Jury, or a vile herd of Pettifoggers, Trading Justices, Bailiffs, or Runners.

Finding that a most extraordinary waste of public money had taken place under the different pretences of Places, Pensions, Contracts, Armaments, Subsidies, Secret Service Money, &c. our honest and annual Parliament would, after narrowly scrutinizing the same, retrench every sum needlessly or wickedly laid out.

Recalling to their mind that wise and wholesome provision of the 12th of William III. Chap. 2. enacting, that *All resolutions taken in the Privy Council shall be signed by such of the Privy Council as shall advise and consent to the same.* They would call for an immediate renewal of that long-suspended law, and by so doing all destructive secret influence would be rooted up, and the people could then, at all times, discover who were their friends, and who their foes.

The people's Parliament, finding that under various pretences grants of common land had been obtained by sundry persons no ways to the benefit of the community, but very much to the distress of the poor, the same would be soon restored to the public, and the robbed peasant again enabled annually to supply his distressed family with an increased quantity of bread, out of the profit arising from the liberty regained of grazing a Cow, two or three Sheep, or a brood of Geese thereon.

With detestation would that Parliament view any man enjoying the emoluments of six or seven places, either needless and overpaid, as requiring altogether but one officer; or else their several duties neglected, and the public thereby deprived of that service for which they pay their money.

Numerous other reforms would undoubtedly take place, even in the first session of Parliament so elected, dependent only on their electors, the people; untorn, therefore, by faction, undivided by party, uncorrupted by ministry, and uninfluenced but by the public good. Every transaction would tend to reform, and a strict oeconomy, its natural consequence, might soon enable us to reduce our taxes, and, by the integrity of Parliament,

that reduction would light upon such objects as best might relieve the poor; this, to the people, would prove an advantageous and a novel session, and, to an honest Parliament, not a tiresome one.

Therefore, Britons, friends, and fellow-citizens, with hand and heart unite, claim what is your right, persevere, and be free; for who shall dare withstand our just demands? Oppression, already trembling at the voice of individuals, will shrink away and disappear for ever, when the nation united shall assert its privileges, and demand their restoration.

Signed, by Order,

M. MARGAROT, Chairman.

T. HARDY, Secretary.

Ordered, that the Secretary of this Society do transmit copies of the above to all the Societies in the nation, engaged in the same cause.

London, 6th August, 1792.

No. II.

Proceedings of the Society for Constitutional Information, referred to in page 313.

Society for Constitutional Information, March 28, 1794.

Resolved, That the following Address be sent to Mess. Muir, Palmer, Skirving, Margarot, and Gerald.

FRIENDS AND FELLOW-CITIZENS,

Although we have been hitherto silent, yet we have by no means been the unconcerned spectators of your conduct and sufferings. We have seen and approved of your exertions for your country's happiness—we have marked with honest indignation every step that your enemies have taken to bring you to your present situation. Your enemies are the enemies of public liberty—the men who are conspiring against the happiness of mankind. The cause in which you are embarked, and to which you have borne an honourable testimony, is worthy of every exertion, and its importance to the world too great to expect its accomplishment without opposition.

The history of liberty, for whose sake you are doomed to a long and unmerited exile, will afford, in the present instance, that consolation that former martyrs to the same cause have experienced—the consolation that you will not, you cannot, suffer in vain.

Men may perish, but truth will prevail; neither persecution, nor banishment, nor death itself, can finally injure the progress of

of these principles, which involve the general happiness of man.

While, therefore, we join every friend to humanity in lamenting what you have already endured, and with anxious hearts anticipate the perils to which you may be exposed in a barren and uncultivated country, yet we can rejoice that the sources of happiness are limited to no place; but are as extensive as the dominion of God. Under the protection of that Great Being, may you at all times and in all places feel the pleasure that arises from conscious integrity!

Fellow-Citizens, we assure you, that the memory of your virtues shall never be effaced from our breasts; the cause for which you have struggled is a glorious cause. The world that has witnessed your exertions shall witness ours also.

A full and fair representation of the people of Great Britain we seek with all the ardor of men and Britons; for the sake of which we are not only ready to act with vigour and unanimity, but, we trust, prepared also to suffer with constancy.

Our best wishes will ever attend you; and we do believe, that the day is not very distant when we shall again receive you on the British shores, the welcome children of a free and happy country.

By order of the Society.

Letter, dated 16th April, 1794, signed Thomas Fiske Palmer, Spithead; addressed to the Chairman of the Society for Constitutional Information.

FELLOW-CITIZENS,

I have long since looked upon your society with admiration and esteem, considering it as the source of and school of most of the political information, which, by the blessing of God, has overspread the island. I have been instructed by the wisdom of your papers, and animated by the spirit of your addresses. That my conduct is approved by such a society, is my pride and my joy.

You say, (and the consideration is the support of my life,) that the history of liberty will prove, by the experience of her former martyrs, that sufferings in her cause cannot be in vain. That my sufferings may not be in vain, I ardently wish that the eyes of my countrymen were open, not only to the illegality and despotism of my sentence, but to the alarming measures by which it was brought about. My Jury was three times packed by the servants of the Crown before it sat upon me. In the first instance, by the Sheriff's deputy, placemen immediately appointed by

by the Crown; in second, by the Crown agent, Lord Advocate, &c. at Edinburgh; and, in the third, by the Justiciary Lords, who tried the cause. These last, arbitrarily appoint the fifteen particular persons who are to sit upon the accused. The strongest objections are mere air, as the Lords alone are the judges of the validity of them. A majority of the fifteen condemns. If, therefore, ministry, with their all-extensive influence, can in these countries find only eight servile tools subservient to their views, the fortune, the liberties, the lives of all Scotland are at their mercy. Trial is condemnation. The sentence is appointed beforehand by the minister, and mine was known a full week at Edinburgh before it was uttered. They can ruin, or even murder, whom they please. This infamous robbery of the first right of Englishmen, a trial by Jury fairly chosen, I have endeavoured to set forth in a letter to the editor of the Morning Chronicle, last October or November, of the date (if I remember rightly) of the 22d or 27th, of which I now avow myself the author; to which I beg leave to draw the attention of the Society for Constitutional Information.

Farewell, Fellow-Citizens.

I am, with respect and esteem,

Your equal brother,

T. F. PALMER.

Letter, dated April 17th, 1794; signed W. Skirving, Surprise Transport, Spithead; addressed to the President of the London Constitutional Society.

MR. PRESIDENT,

Permit me, Sir, to assure you, and the respectable Constitutional Society, that the very consoling address, received agreeably to their resolution of the 28th ult. has excited in me, as also in the hearts of each of my fellow-martyrs for the important cause of universal suffrage and annual Parliaments, the most lively sensations of gratitude and esteem. The Constitutional Society was the foremost of true patriots to raise the standard of reform, for the purpose of redeeming from the contaminating and contagious influence of corruption those venerable, but almost lost principles, of the British Constitution, wrought into it by the blood and irresistible energies of our forefathers, many of whom, rather than that these principles, upon which depend the virtue and felicity of society, should be lost sight of, exhibited their high esteem of them on scaffolds and in dungeons, that all, even the most callous spectators, might be persuaded, that the truths, for which they did not reckon even their lives too dear a sacrifice, were surely worthy of the unprejudiced

judiced investigation of all. Your remark, therefore is just, and it is very soothing to us---“we do not, we cannot suffer for such a cause in vain.”---The resentment of our enemies, driving them into such absurd measures towards men against whom vice of any kind is not even alledged, must have moved, in every unprejudiced mind, the restless question---Why? why are men, who seek the improvement of their species, thrown with felons into dungeons? And full information must follow sincere enquiry, and at length convert all to the side of truth and righteousness. I therefore cheerfully consent to suffer, to promote the general good.

We are blamed as having, prematurely at least, exposed ourselves to the necessity of sealing, by our sufferings, the cause we would promote. If, in this case, we have erred, I will readily take the whole blame, as having strained every nerve to press forward the measure of a General Convention, as being the only means to avert impending ruin. I sought to arouze and alarm my countrymen to consider their extreme danger. I feared, that the necessity for such association would be on us before we were prepared for it. Besides, what measure could possibly interest so much the public enquiry? What has so much encreased public information? It excited counter associations, and caused every man to see, who were on the side of truth, and who were on the side of corruption. It exposed the selfish and interested designs of the one, and the unfeigned prosecution of the public good by the other. I speak so with the greater confidence before a society that must have marked the progress of information so long under their own auspices. You must know, that this progress, the exciting the enquiry of the public, has been more extensively effected during the last year, than during the ten preceding ones. The cause was the General Convention. The terror and hatred of ministry to it proves the truth. Who then would have refused even his life, to have been instrumental in promoting so much good?

Your explicit approbation of our conduct has prompted this self-exultation---forgive, therefore, my freedom. I may be mistaken. The important revolution in human affairs, to which every Christian looks with anxious hope, may be yet distant. If it is, tyranny may still triumph. But God forbid it. It would then be better to die than to live. But, though I hope the reverse, I know, as you justly observe, “that the importance of the cause of freedom is too great to the world, to expect its accomplishment without opposition,” and the opposition of despairing tyranny will be dreadful, it will be destructive. And why? Because nothing but its ruining last struggle will rouse mankind from their idle dream of security. They regard not, they

they pity not its present victims. They put off the evil far from themselves, and hence it overtakes them suddenly, "when their strength is gone, and there is none shut up or left." Hold fast, therefore, what you have attained. Your association alone can prevent the dreadful consequence of such indifference. Uniting love is the strength as well as solace of mankind. Cement, by reciprocal kind communication, the union of hearts, of interests, of measures which have been solemnly resolved. By so doing, you will escape the destruction which is coming on all the earth.

Worthy citizens, I will solace my mind, when drooping, with the kind assurance which you have vouchsafed by your masterly address, that I, with my brethren, have a place in your affection and prayers; and I will believe with you, "that the day is not very distant when you will again receive us on British shores, the welcome children of a free and happy people." When, indeed, it shall be demonstrated, "that our enemies are the enemies of public liberty, the men who conspired against the happiness of mankind." But though the mighty are combined, though they should so far prevail as to scatter utterly, in their vain apprehension, the friends of truth, the principles of it, which are already established, is the "stone cut out without hands, and shall become a great mountain, and fill the whole earth;" for He who first commanded the light to shine out of darkness, is its Almighty Patron.

Be assured, my dear brethren, that I have already realized the pleasures of conscious integrity; and can reflect, with the sincerest satisfaction, that I was influenced, in all my exertions for the cause of reform, by that benevolence which I would ever cultivate as the principle of every kind of human excellence.

With sentiments of the most unfeigned esteem and respect,

I am, your sincere well-wisher,

W. SKIRVING.

Letter from Thomas Muir, on board the Surprize Transport, to the London Society for Constitutional Information, dated April 24, 1794.

That the spirit of freedom is not extinguished, but still retains its former energy, in defiance of the artifices and of the violence of despotism, is an object of high consolation to my mind. Engaged in the sacred cause of man, individual man is an atom of little value; and, in speaking of himself, when he recollects and contemplates the principles of his conduct, should disdain to make use of the term suffering. Without a vain affection for myself, I disclaim

I disclaim the assumption of extraordinary merit. The man who has acted in obedience to the law of his own conscience, has simply discharged his duty, and the contrary supposition would involve him in guilt. I am deeply persuaded, that many of the men whom I now address, in a situation less circumscribed, with abilities more powerful, but not with hearts more honest, after having atchieved what I could not accomplish, would, with the same silent scorn, have regarded each feeble attempt to shackle and to repress the free-born mind.

Your preceding exertions, in attempting to procure a fair representation of the people in Parliament, have been meritorious. They are a solemn and sure pledge of their future continuation. In proportion to the number and to the rapidity of those tremendous scenes which daily in succession pass before the eye, *all, all* of them deriving their existence from this violation of our constitutional rights, let your endeavour in procuring a rectification of what is wrong be encreased; confident you will obtain the blessing of that Being whose great design is the happiness of his creation.

THOMAS MUIR.

It being recommended at a former meeting, to the members of the Society for Constitutional Information, to peruse two printed Sermons of the Rev. J. H. Williams, preached at the Public Fasts of 1793 and 1794, as productions of singular worth, the society came to the following resolution:

London, April 25, 1794.

Resolved, That the grateful thanks of this society be paid to the Rev. J. H. Williams, Vicar of Wells Bourn, Warwickshire, for the publication of his two inestimable Sermons on the Public Fasts, of April, 1793, and February, 1794. The doctrines and sentiments which they contain are in perfect unison with the principles of this society, and we trust that the motives and springs of action which he recommends will ever be found to direct our conduct.

By order of the Society,

D. ADAMS, Secretary.

Society for Constitutional Information, May 2, 1794.

This being the anniversary of the society, upwards of three hundred dined together at the Crown and Anchor Tavern, in the Strand, John Wharton, Esq. M. P. in the Chair---Stewards, Thomas Thompson, M. P. John Chatfield, John Bellefden Gawler, Robert Knight, George Wingfield Sparrow, Jeremiah Joyce, John Williams, John Pearson, Arthur Blake, William Sharpe, Thomas Wardle, Charles Goring, John Bingham.

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During

During the time of dinner, and between the toasts, a numerous band played the popular tunes of *Ca Ira*, the *Carmagnol*, the *Marfellois March*, the *Democrat*, and a new piece of music called *The Free Constitution*.

After dinner the following sentiments were given with unbounded applause:

1. The rights of man.
2. A free constitution.
3. The swine of England, the rabble of Scotland, and the wretches of Ireland.
4. Equal laws and liberty.
5. May despotism be trodden under the hoofs of the swinish multitude.
6. The armies contending for liberty.
7. Wisdom, firmness, and unanimity to all the Patriotic Societies in Great Britain.
8. The reign of peace and liberty.

A Citizen then rose, and in a short speech observed, that the Stewards seemed to have forgotten in their lists of toasts a person who had done more than almost any man towards the reign of peace and liberty. He would, therefore, propose as a toast, Lord Stanhope.

An amendment was proposed, that instead of Lord Stanhope Citizen Stanhope should be drank, which was received with unbounded applause.

9. May the public revenue never be applied to purposes of corruption.
10. The victims to the cause of liberty suffering under the sentences of the Court of Justiciary.
11. Archibald Hamilton Rowan and the patriots of Ireland.
12. The persecuted patriots of England.
13. May the abettors of the present war be its victims.
14. The Chairman; and success to his exertions in the cause of freedom.

Mr. Wharton thanked the company for their marked approbation of his conduct, and pledged himself to continue his efforts in the cause of liberty. He then said, he would propose as a toast---

15. That steady friend to liberty, John Horne Tooke.

Mr. Tooke said, he hoped it would be the last time his health would be drank; his ambition was, that hereafter his memory should be given.

16. May all governments be those of the laws, and all laws those of the people.

17. Thomas Paine.

The Chairman then gave, as a concluding toast, a sentiment directly in opposition to that of Mr. Windham:

18. Prosperity to the commerce and manufactures of Great Britain.

No. III.

Hymn, for February 28th, 1794, being the day appointed for a General Fast.---Referred to in page 395.

(To the tune of the old hundredth Psalm.)

I.

○ God of hosts, thine ear incline,
Regard our prayers, our cause be thine;
When orphans cry, when babes complain,
When widows weep, canst thou refrain?

II.

Now red and terrible thine hand,
Scourges with war our guilty land:
Europe thy flaming vengeance feels,
And from her deep foundation reels.

III.

Her rivers bleed like mighty veins;
Her towns are ashes, graves her plains;
Slaughter her groaning vallies fills,
And reeking carnage melts her hills.

IV.

O Thou! whose awful word can bind
The raging waves, the raving wind;
Mad tyrants tame, break down the high,
Whose mighty foreheads beat the sky.

V.

Make bare thine arm, great King of Kings!
That arm alone salvation brings;
That wonder-working arm, which broke
From Israel's neck th' Egyptian yoke.

VI.

Burst every dungeon, every chain,
Give injur'd slaves their rights again;
Let truth prevail, let discord cease---
Speak, and the world shall smile in peace!

London

London Corresponding Society, united for a Reform in Parliament.

Committee Room, March 20th, 1794.

Resolved, That the Society approve the sentiments contained in the serious lecture delivered to the Constitutional Society at Sheffield, on the 28th of last month, and earnestly recommend it to the perusal of all who think civil and religious liberty a blessing.

Resolved, That the commanding a general fast, for the purpose of imploring the Divine Father of Mercy and Peace to support and prosper us in the horrid act of deliberately destroying our fellow-creatures, is repugnant to the true spirit and principles of Christianity, where we are commanded to pray for our enemies, &c. and further, considering that a great part of the people are unacquainted with the nature of the present war, either as to its justice or necessity, (every endeavour being used to keep them ignorant of the real principles and design for which it was commenced,) to approach and to supplicate the OMNISCIENT POWER, under such circumstances, and for such a purpose, must indeed be dreadful, since knowledge and conviction are wanting.---The worse than hypocritical hearts of those who are the authors of such a measure, although they at present impose upon the ignorant and credulous, by such detestable, such pretended shew of devotion, cannot escape the chastisement of that Power whom they thus insult, and from whose judgement there is no appeal.

T. HARDY, Secretary.

Society for Constitutional Information.

March 21, 1794.

Resolved, That the Secretary of this Society be directed to write to the "Friends of Peace and Reform" at Sheffield, and to assure them, that this Society views with pleasure their steady exertions to obtain a fair representation of the people of Great Britain in Parliament, and the proper methods which they have taken to employ usefully those days which may be appointed for public fasts.

D. ADAMS, Secretary.

END OF APPENDIX TO VOL. I.



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